

State of Iowa

1971

12-29-71  
Ammis

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

**FIRST REGULAR SESSION**

OF THE

**Sixty-fourth General Assembly**

OF THE

**STATE OF IOWA**



WAYNE A. FAUPEL  
CODE EDITOR

PHYLLIS BARRY  
ASSISTANT CODE EDITOR

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Published by the  
STATE OF IOWA  
Des Moines





# CERTIFICATE

STATE OF IOWA  
Office of Code Editor

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

*Wayne A. Faupel*  
*Phyllis Barry*

July, 1971.

Section 622.59 of the 1971 Code of Iowa is as follows:

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

## EDITORS' NOTE

The Acts and Resolutions of the First Regular Session of the Sixty-fourth 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.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. Some Acts were enrolled without indicating any additions or deletions to existing law. These Acts are identified by the symbol: †.

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## STATE ROSTER

PREPARED BY THE OFFICE OF SECRETARY OF STATE

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-fourth (First Session) General Assembly in accordance with the requirements of Code section 14.10 (3), 1971 Code of Iowa, as amended.

### OFFICERS, COMMISSIONS AND BOARDS ELECTIVE OFFICERS

Name and Office	County from which originally chosen
<b>GOVERNOR</b>	
ROBERT D. RAY .....	Polk
John S. Murray, Executive Assistant .....	Story
<b>LIEUTENANT GOVERNOR</b>	
ROGER W. JEPSEN .....	Scott
<b>SECRETARY OF STATE</b>	
MELVIN D. SYNHORST .....	Polk
J. Herman Schweiker, Deputy Secretary .....	Polk
<b>AUDITOR OF STATE</b>	
LLOYD R. SMITH .....	Polk
Ray Yentar, Deputy Auditor .....	Johnson
<b>TREASURER OF STATE</b>	
MAURICE E. BARINGER .....	Fayette
Roger G. Barnett, Deputy Treasurer .....	Polk
<b>SECRETARY OF AGRICULTURE</b>	
L. B. LIDDY .....	Van Buren
Robert H. Lounsberry, Deputy Secretary .....	Story
<b>ATTORNEY GENERAL</b>	
RICHARD C. TURNER .....	Pottawattamie
Richard E. Haesemeyer, Solicitor General .....	Polk
John I. Adams, Assistant Attorney General .....	Polk
Douglas R. Carlson, Assistant Attorney General .....	Polk
Roxanne B. Conlin, Assistant Attorney General .....	Polk
G. Bennett Cullison, Assistant Attorney General .....	Shelby
James C. Davis, Assistant Attorney General .....	Jasper
William W. Garretson, Assistant Attorney General .....	Jefferson
Julian B. Garrett, Assistant Attorney General .....	Polk
Robert W. Goodwin, Assistant Attorney General .....	Story
Harry M. Griger, Assistant Attorney General .....	Polk
Donald L. Hoeger, Assistant Attorney General .....	Story
James W. Hughes, Assistant Attorney General .....	Polk
John L. Kiener, Assistant Attorney General .....	Winneschiek
Michael J. Laughlin, Assistant Attorney General .....	Polk
Jerome F. Lundgren, Assistant Attorney General .....	Wright
George W. Murray, Special Assistant Attorney General .....	Polk
Elizabeth A. Nolan, Assistant Attorney General .....	Johnson
John A. Pabst, Assistant Attorney General .....	Polk
Clifford E. Peterson, Assistant Attorney General .....	Polk
Franklin W. Sauer, Assistant Attorney General .....	Story
Asher E. Schroeder, Acting Special Assistant Attorney General .....	Woodbury

## STATE OFFICERS—Continued

Name and Office	County from which originally chosen
Oscar Strauss, Assistant Attorney General .....	Polk
Albert A. Williams, Investigator .....	Wright
Lorna L. Williams, Special Assistant Attorney General .....	Polk
Richard N. Winder, Assistant Attorney General .....	Polk
William Wolford, Assistant Attorney General .....	Polk
John E. Beamer, Assistant Attorney General .....	Polk
Larry Blumberg, Assistant Attorney General .....	Polk
James E. Bobenhouse, Assistant Attorney General .....	Polk
James B. Corcoran, Assistant Attorney General .....	Polk
David A. Elderkin, Special Assistant Attorney General .....	Polk

## APPOINTIVE OFFICERS

Name and Office	City or Town from which originally chosen	Term Ending
<b>ACCOUNTANCY BOARD</b>		
Ch. 116		
Earl W. Druehl .....	Davenport .....	June 30, 1972
Elleroy C. Nichols .....	Sioux City .....	June 30, 1973
Harry Carlson .....	Des Moines .....	June 30, 1974

## ADJUTANT GENERAL

Ch. 29A		
Major General Joseph G. May .....	Camp Dodge .....	June 30, 1975
Brig. General Ronald Woodin, Deputy Adjutant General .....	Camp Dodge .....	Pleasure of the Governor

## AERONAUTICS COMMISSION

Ch. 328		
Ray Nyemaster .....	Des Moines .....	June 30, 1973
Laurence A. Straley .....	Clinton .....	June 30, 1973
Bruce H. Van Druff .....	Red Oak .....	June 30, 1975
Norbert D. Baltes .....	Charles City .....	June 30, 1975
Forrest F. McDonald .....	Jefferson .....	June 30, 1977

## COMMISSION ON THE AGING

Ch. 249B		
Robert D. Blue, Director .....	Eagle Grove .....	June 30, 1971
Edward B. Jakubauskas .....	Ames .....	June 30, 1971
Mrs. Thelma Kass .....	Davenport .....	June 30, 1971
W. W. Morris .....	Iowa City .....	June 30, 1973
Clarence W. Tompkins .....	Fort Dodge .....	June 30, 1973
Reverend Fred E. Miller .....	Des Moines .....	June 30, 1973
James N. Gillman .....	Des Moines .....	June 30, 1973

*House Members*

Tom Dougherty .....	Albia .....	June 30, 1973
A. Gordon Stokes .....	LeMars .....	June 30, 1975
Clair Strand .....	Grinnell .....	June 30, 1975

*Senate Members*

Bass Van Gilst .....	Oskaloosa .....	June 30, 1973
Tom Riley .....	Cedar Rapids .....	June 30, 1975
John C. Rhodes .....	Chariton .....	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>AGRICULTURE PROMOTION BOARD</b>		
By Executive Order		
Richard Albrecht .....	Des Moines	
Ralph Blackford .....	Marion	
John Megown, Chairman .....	Marion	
Max Naylor .....	Jefferson	
Karl Nolin .....	Ralston	Pleasure of the Governor
Thomas R. Smith .....	Perry	
Arnold Waldstein .....	Storm Lake	
D. R. Davidson .....	Chariton	
E. Thurman Gaskill .....	Corwith	

**AIR POLLUTION CONTROL COMMISSION**

Ch. 136B

Arnold Reeve, M.D., Commissioner of Public Health		
Arthur W. Shafer, M.D. ....	Davenport	June 30, 1973
Carl D. Smith .....	Cedar Rapids	June 30, 1973
John H. Jebens .....	Davenport	June 30, 1973
Donald H. McLeod .....	Centerville	June 30, 1973
Graydon Anderson, Chairman .....	Greene	June 30, 1975
Jack L. Roehr .....	Waterloo	June 30, 1975
Dr. W. J. Hausler, Jr. ....	Iowa City	June 30, 1975
Jon McClure .....	Fort Dodge	June 30, 1975

**COMMISSION ON ALCOHOLISM**

§123A.2

Arnold Reeve, M.D., Commissioner of Public Health		
R. C. King, M.D. ....	Clinton	June 30, 1971
Judge Louis Fautsch .....	Dubuque	June 30, 1971
John C. MacQueen .....	Iowa City	June 30, 1971
Senator Vernon H. Kyhl .....	Parkersburg	June 30, 1971
K. George Shimoda, D.O. ....	Marshalltown	June 30, 1973
Robert C. Hickle .....	Waverly	June 30, 1973
Reverend Robert A. Roof .....	Cedar Falls	June 30, 1973
Judge Ray Harrison .....	Des Moines	June 30, 1973

**AMERICAN REVOLUTION BICENTENNIAL COMMISSION**

63 G.A., ch. 1286

Melvin D. Synhorst, Secretary of State		
William J. Petersen, Superintendent, State Historical Society		
Jack W. Musgrove, Curator, Department of History and Archives		
Fred A. Prierwert, Director, Conservation Commission		
W. Robert Parks, President, Iowa State University		
Willard Boyd, President, State University of Iowa		
Dr. John J. Kameric, President, University of Northern Iowa		
Chad A. Wymer, Director, Iowa Development Commission		
C. Joseph Coleman, Chairman, Iowa State Fair and World Food Exposition Study Committee		
Kenneth R. Fulk, Fair Board Secretary		
C. Robert Brenton .....	Des Moines	
Robert W. Dillon, Chairman .....	Des Moines	
Don N. Kersten .....	Fort Dodge	
Dr. William G. Murray .....	Ames	
Don C. Muhm .....	West Des Moines	
Mrs. Edwin W. Bruere .....	Cedar Rapids	
Robert M. Stone .....	Chariton	
James W. Hubbell, Jr. ....	Des Moines	

*Honorary Members*

Charles Laverty .....	Indianola
Lee H. Gaudineer, Jr. ....	Des Moines
Don Alt .....	West Des Moines
Charles Knoblauch, Sr. ....	Carroll

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>APPEAL BOARD</b>		
Ch. 23 (Public Contracts and Bonds)		
Maurice E. Baringer, Chairman	Treasurer of State	
Lloyd R. Smith	Auditor of State	
Marvin R. Selden, Jr.	Comptroller	

<b>APPEAL BOARD ON STATE INSTITUTION CONSTRUCTION CONTRACTS</b>		
Ch. 22		
Donald Ossian	Denison	June 30, 1973
Albert A. Augustine	Des Moines	June 30, 1975
Marvin R. Selden, Comptroller	Des Moines	Ex Officio Chairman

<b>ARCHITECTURAL EXAMINERS</b>		
Ch. 118		
Edward H. Healey	Cedar Rapids	June 30, 1972
Gerald I. Griffith	Des Moines	June 30, 1972
Eugene C. O'Neil	Des Moines	June 30, 1972
Richard H. Brom	Waterloo	June 30, 1973
Harold J. Stewart	Davenport	June 30, 1974
Lucille Long, Executive Secretary		

<b>ARMORY BOARD</b>		
§29A.57		
Major General Joseph G. May, Adjutant General	Camp Dodge	
Colonel Keith E. McWilliams	Des Moines	
W. K. Backman	Des Moines	Pleasure of the Governor
Major General Robert L. Gamrath	Fairfield	
Brig. General Roger W. Gilbert	Des Moines	
Brig. General Joseph B. Flatt	Ankeny	
Lt. General Frank P. Williams	Cedar Falls	

<b>ARTS COUNCIL</b>		
Ch. 304A		
Mrs. Nancy Moses	Ames	June 30, 1972
Mrs. E. R. McDonald, Chairman	Davenport	June 30, 1972
Mrs. Lois L. Bliesman	Denison	June 30, 1972
Mrs. Richard F. Drake	Muscatine	June 30, 1972
David E. Archie	Des Moines	June 30, 1972
Wayne A. Norman	Dubuque	June 30, 1973
Mrs. Joseph Patrick	West Des Moines	June 30, 1973
Richard E. Leet	Mason City	June 30, 1973
Mrs. Howard C. Reppert, Jr.	Des Moines	June 30, 1973
Dr. Lawrence F. Mills	Pella	June 30, 1973
Mrs. Elizabeth Bornholdt	Avoca	June 30, 1974
Donald J. Maiwurm, Vice-Chairman	Fort Dodge	June 30, 1974
Raymond Forsberg	Waterloo	June 30, 1974
Dr. Frank Summerside	LeMars	June 30, 1974
Stanley Wiederspan	Mount Pleasant	June 30, 1974
Jack E. Olds, Director	Cedar Falls	Pleasure of the Governor

<b>ATHLETICS COMMISSIONER</b>		
§727A.2		
Honorable Melvin D. Synhorst	Des Moines	Pleasure of the Governor

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>ATHLETICS COMMISSIONER'S ADVISORY COMMITTEE</b>		
Ch. 727A		
Al (Babe) Bisignano .....	Des Moines	
Calvin Crook .....	Newton	
Dave Fidler .....	Des Moines	Pleasure of the Governor
Ralph E. Hayes .....	Des Moines	
Clayton L. Johnson .....	Sioux City	
Don Larkin .....	New Hampton	
Harold J. (Gus) Schrader .....	Cedar Rapids	

**BANKING BOARD**

§524.205

Collin Fritz, Superintendent .....	Newton	June 30, 1973
Francis Price .....	Des Moines	June 30, 1973
John B. Rigler .....	Muscatine	June 30, 1973
James W. Cravens .....	Sanborn	June 30, 1973
Joseph G. Knock .....	Creston	June 30, 1973
Clifford H. Jordan .....	Cedar Rapids	June 30, 1973
Ed H. Spetman, Jr. ....	Council Bluffs	June 30, 1973

**BASIC SCIENCES BOARD OF EXAMINERS**

Ch. 146

Leland P. Johnson, Ph.D., Chairman .....	Des Moines	June 30, 1973
W. Bernard King, Ph.D. ....	Ames	June 30, 1973
Elmer W. Hertel, Ph.D. ....	Waverly	June 30, 1975
Kenneth MacDonald, Ph.D. ....	Iowa City	June 30, 1975
Rev. Warren E. Nye, Ph.D. ....	Dubuque	June 30, 1977
Dr. Irving Y. Fishman, Ph.D. ....	Grinnell	June 30, 1977

**COMMISSION FOR THE BLIND**

Ch. 93

Mrs. Wayne Bonnell .....	Fort Dodge	June 30, 1972
Elwyn Hemken .....	Blairsburg	June 30, 1973
Mrs. Thelma Johnson .....	Charles City	June 30, 1974

**BONUS BOARD**

Ch. 35

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

**BUDGET AND FINANCIAL CONTROL COMMITTEE**

§2.41

*House Members*

Elmer H. Den Herder .....	Sioux Center	January 31, 1975
Richard M. Radl .....	Lisbon	January 31, 1973
Keith Dunton .....	Thornburg	January 31, 1973
Alfred Nielsen .....	Defiance	January 31, 1973
Edgar H. Holden .....	Davenport	January 31, 1975

*Senate Members*

Quentin V. Anderson .....	Beaconsfield	January 31, 1975
Charles F. Balloun .....	Toledo	January 31, 1975
Bass Van Gilst .....	Oskaloosa	January 31, 1975
Francis L. Messerly .....	Cedar Falls	January 31, 1973
C. Joseph Coleman .....	Clare	January 31, 1973

**BUILDINGS AND GROUNDS SUPERINTENDENT**

Ch. 18

William F. Gall .....	At the Pleasure of the Executive Council
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## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>CAPITOL PLANNING COMMISSION</b>		
<b>Ch. 18A</b>		
William J. Wagner .....	Dallas Center .....	April 30, 1973
Amos B. Emery .....	Des Moines .....	April 30, 1975
Mrs. Polly Moore .....	Des Moines .....	April 30, 1975

*House Members*

Don Alt .....	West Des Moines .....	April 30, 1973
Luvern Kehe .....	Waverly .....	April 30, 1975

*Senate Members*

Wilson L. Davis .....	Keokuk .....	April 30, 1975
James Potgeter .....	Steamboat Rock .....	April 30, 1973

**CAR DISPATCHER****Ch. 21**

Frank A. Crabb .....	Denison .....	Pleasure of the Governor
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**CHEMICAL TECHNOLOGY REVIEW BOARD**

## §206A.1

L. B. Liddy, Secretary of Agriculture		
Dr. Arnold M. Reeve, Commissioner of Public Health		
Othie R. McMurry, Director of the Iowa Natural Resources Council		
George Annan, Chairman of the State Soil Conservation Committee		
Robert E. Hays, Chief Executive of the League of Iowa Municipalities		
Fred A. Priewert, Director of the State Conservation Commission		
Dr. Floyd Andre, Dean, College of Agriculture, Iowa State University		
Gordon E. Mau .....	New Hampton .....	June 30, 1974
Robert C. Yapp .....	Des Moines .....	June 30, 1974

**CHILD LABOR COMMITTEE**

## §92.21

Jerry Addy, Chairman		
Giles J. Smith, Public Instruction Department		
John Spear, Employment Security Commission		
Mrs. Forrest K. Binger .....	Cedar Rapids .....	June 30, 1974
Patrick E. Glenn .....	Granger .....	June 30, 1974

**CIVIL DEFENSE ADVISORY COUNCIL****Ch. 29C**

Edward W. Collins .....	Red Oak .....	July 4, 1971
Samuel J. Mazziotti .....	Oelwein .....	July 4, 1971
Sheriff F. O. Rosenberger .....	Sioux City .....	July 4, 1971
Richard L. Grove .....	Barnum .....	July 4, 1972
Richard C. Morgan, Vice-Chairman .....	Des Moines .....	July 4, 1972
Floyd Nelson .....	Ames .....	July 4, 1972
Rex R. Gross .....	Colo .....	July 4, 1973
Mayor Lloyd Turner, Chairman .....	Waterloo .....	July 4, 1973
Ira M. Kiser .....	Davenport .....	July 4, 1973
Albert R. Maricle, Director .....	Waterloo .....	July 3, 1973

**CIVIL RIGHTS COMMISSION****Ch. 105A**

Mrs. Cliff Skogstrom .....	Algona .....	June 30, 1973
John E. Strothers .....	Waterloo .....	June 30, 1973
Abe D. Clayman .....	West Des Moines .....	June 30, 1973
Mrs. Elizabeth Kruidenier .....	Des Moines .....	June 30, 1975
Lawrence S. Slotsky .....	Sioux City .....	June 30, 1975
DeEdwin F. White .....	Burlington .....	June 30, 1975
Vacancy .....		June 30, 1973
Alvin Hayes, Jr., Executive Director		



## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>CODE EDITOR</b>		
Ch. 14		
Wayne A. Faupel .....	Clear Lake .....	Pleasure of the Supreme Court
Phyllis Barry, Assistant .....	Des Moines	
<b>COMMERCE COMMISSION</b>		
Ch. 474		
Dick A. Witt .....	Des Moines .....	June 30, 1973
Maurice Van Nostrand .....	Des Moines .....	June 30, 1977
Howard Bell .....	Ames .....	June 30, 1975
Dean A. Briley, Executive Secretary		
<b>COMPTROLLER</b>		
Ch. 8		
Marvin R. Selden, Jr. ....	Des Moines .....	Pleasure of the Governor
<b>CONSERVATION COMMISSION</b>		
Ch. 107		
Ed Weinheimer .....	Fontanelle .....	June 30, 1973
William E. Noble .....	Oelwein .....	June 30, 1973
Leslie L. Licklider .....	Cherokee .....	June 30, 1975
James D. Bixler .....	Council Bluffs .....	June 30, 1975
Miss Joan Geisler .....	Dubuque .....	June 30, 1975
Keith McNurlen, D.D.S., Chairman .....	Ames .....	June 30, 1977
John Link .....	Burlington .....	June 30, 1977
Fred A. Priewert, Director		
<b>CRIME COMMISSION</b>		
Ch. 80C		
Thomas N. Urban, Jr. ....	Des Moines	Pleasure of Governor
Reynold P. Jurgensen .....	Clinton	
David Dutton .....	Waterloo	
James Van Ginkel .....	Atlantic	
F. O. Rosenberger .....	Sioux City	
J. R. Barden .....	Tipton	
Carroll Engelkes .....	Grundy Center	
Al Vogt .....	Dubuque	
George J. Matias .....	Cedar Rapids	
John J. Dullea .....	Burlington	
Watson Powell, Jr. ....	Des Moines	
Bishop Gordon V. Smith .....	Des Moines	
David Nelsen .....	Mason City	
Ray Robinson .....	State Center	
Robert Jacobson .....	Iowa City	
Father Thomas Rhomberg .....	Dubuque	
Mrs. W. D. Edgerton .....	Davenport	
Cliff Wilson, Jr. ....	Conrad	
Mrs. A. M. Strohbehn .....	Council Bluffs	
John D. Scarlett .....	Des Moines	
Richard Turner, Attorney General		
Jack M. Fulton, Commissioner of Public Safety		
Robert D. Blair, Director, Bureau of Criminal Investigation		
John F. Callaghan, Director, Iowa Law-Enforcement Academy		
Nolan Ellandson, Director, Bureau of Adult Correction Services		
Honorable Dean Arbuckle .....		
Honorable Robert M. Kreamer .....		
George L. Paul .....		
Justice William Stuart .....		
James Payne .....		
George W. Orr, Executive Director		
Charles W. Larson, Deputy Director		

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>DENTISTRY BOARD</b>		
<b>Ch. 153</b>		
Carl Ostrem, D.D.S., Secretary	Des Moines	June 30, 1972
A. J. Kalb, D.D.S.	Dubuque	June 30, 1973
Harold W. Sidwell, D.D.S.	Villisca	June 30, 1974
A. Miles Olson, D.D.S.	Laurens	June 30, 1975
David Wolf, D.D.S.	Cedar Rapids	June 30, 1976

**DEPARTMENTAL RULES REVIEW COMMITTEE****Ch. 17A***House Members*

Elizabeth Shaw	Davenport	April 30, 1973
Charles E. Grassley, Chairman	New Hartford	April 30, 1975
D. Vincent Mayberry	Fort Dodge	April 30, 1973

*Senate Members*

John L. Mowry, Vice-Chairman	Marshalltown	April 30, 1973
Wayne D. Keith	Algona	April 30, 1975
James F. Schaben	Dunlap	April 30, 1975
Phyllis Barry, Secretary		

**ECONOMIC OPPORTUNITY OFFICE**

Robert F. Tyson, Director	Shenandoah	Pleasure of the Governor
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**EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD****§8A.7**

William B. Quarton	Cedar Rapids	June 30, 1974
Louis E. Smith	Indianola	June 30, 1972
Lester D. Menke	Calumet	June 30, 1973
Paul Johnston	Des Moines	June 30, 1974
John E. van der Linden	Sibley	June 30, 1973
Mrs. Earl G. Sievers	Avoca	June 30, 1972
John Baldrige	Chariton	June 30, 1974
Ralph H. Wallace	Mason City	June 30, 1974
Dr. Robert F. Ray, Chairman	Iowa City	June 30, 1973

**EMPLOYMENT AGENCY LICENSING COMMISSION****Ch. 95**

Melvin D. Synhorst	Secretary of State
Robert C. Landess	Industrial Commissioner
Jerry L. Addy	Labor Commissioner

**EMPLOYMENT OF THE HANDICAPPED****Ch. 93A**

James N. Bethel	Des Moines	June 30, 1972
Mrs. Ferne G. Bonomi	Des Moines	June 30, 1972
Miss Rebecca Christian	Des Moines	June 30, 1972
Hugh D. Clark	Des Moines	June 30, 1972
Wm. D. deGravelles, Jr.	Des Moines	June 30, 1972
Hon. Keith Dunton	Thornburg	June 30, 1972
K. R. Ernst, O.D.	Waterloo	June 30, 1972
Ron Grooms	Ames	June 30, 1972
Merill E. Hunt	Des Moines	June 30, 1972
Rolfe B. Karlsson	Des Moines	June 30, 1972
Edward K. Kelley	Des Moines	June 30, 1972
Edward F. McCartan	Des Moines	June 30, 1972
Ralph G. Neppel	Iowa City	June 30, 1972
H. S. Palmer	Oskaloosa	June 30, 1972
Lou Pomerantz	Des Moines	June 30, 1972
Julian Torgerson	Sioux City	June 30, 1972
Mrs. Carrol M. Ungs	Clear Lake	June 30, 1972
James M. Boyer	Cedar Rapids	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Hugh Doty .....	Mechanicsville .....	June 30, 1973
Ronald Herrig .....	Dubuque .....	June 30, 1973
Richard V. Hopkins .....	Davenport .....	June 30, 1973
Paul G. Law .....	Des Moines .....	June 30, 1973
Fran H. Lowder .....	Mason City .....	June 30, 1973
Earl G. Lynn .....	Des Moines .....	June 30, 1973
Rex McMahill .....	Woodward .....	June 30, 1973
Sister Mary Miguel .....	Council Bluffs .....	June 30, 1973
Harlan S. Miller .....	Des Moines .....	June 30, 1973
George T. Nickolas .....	Davenport .....	June 30, 1973
Nate Ruben .....	Des Moines .....	June 30, 1973

## EMPLOYMENT SAFETY COMMISSION

Ch. 88A

William C. Leachman .....	Des Moines .....	June 30, 1973
William G. Aringdale .....	Davenport .....	June 30, 1973
Ray B. Lauterbach .....	Perry .....	June 30, 1975
Myron (Mike) L. Lorenzen .....	Waterloo .....	June 30, 1975
Vacancy .....		June 30, 1975
Vacancy .....		June 30, 1977
Vacancy .....		June 30, 1977
Vacancy .....		June 30, 1977

## EMPLOYMENT SECURITY COMMISSION

§96.10

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

## ENGINEERING EXAMINERS BOARD

Ch. 114

Robert S. Dunn .....	Cedar Rapids .....	June 30, 1973
Henry M. Black .....	Ames .....	June 30, 1973
Eldo W. Schornhorst .....	Spencer .....	June 30, 1975
Noel W. Willis .....	Iowa City .....	June 30, 1975
Robert D. Reckert .....	Rock Rapids .....	June 30, 1975
West C. Wellman, Secretary		

## EXECUTIVE COUNCIL

Ch. 19

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  
 West C. Wellman, Secretary

## FAIR BOARD

Ch. 173

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
Joe Deeney .....	Waukon
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
<b>FATHER MARQUETTE TERCENTENARY COMMISSION</b>		
Stat. L. 89-187		
Dr. William Peterson, Chairman .....	Iowa City	Pleasure of the Governor
John Dailey .....	Burlington	
Larry Ladin .....	Des Moines	
Kenneth Benda .....	Hartwick	
Russell R. Newell .....	Columbus Junction	

**FIRE MARSHAL**

Ch. 100

Wilbur R. Johnson .....	Ottumwa
Reynold Hentges, Assistant .....	

**GEOLOGICAL BOARD**

Ch. 305

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  
 Stanley Wawzonek, President, Iowa Academy of Science  
 Dr. Samuel J. Tuthill, Director

**GEOLOGIST**

Ch. 305

Dr. Samuel J. Tuthill .....	Pleasure of the Geological Board
Orville J. Baneck, Assistant .....	

**HEALTH, BOARD OF**

Ch. 136

*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:*

Harry C. Rasdal, O.D. ....	Spencer	June 30, 1972
Albert J. Soucek, D.D.S. ....	Iowa City	June 30, 1972
Mrs. Richard Maas, R.N. ....	Liscomb	June 30, 1972
Charles D. Mullinex .....	Cedar Rapids	June 30, 1973
E. E. Gamet, M.D. ....	Lamoni	June 30, 1973
John C. Edgerton, D.O. ....	Manning	June 30, 1973
Dr. Paul Seebohm .....	Iowa City	June 30, 1974
Dr. Vaughn Seaton .....	Ames	June 30, 1974
P. J. Leehey, M.D. ....	Independence	June 30, 1974

**HEALTH, COMMISSIONER OF**

Ch. 135

Dr. Arnold M. Reeve .....	Des Moines	June 30, 1973
R. J. Schliekelman, Chief of Environmental Engineering Service .....		

**HEALTH DEPARTMENT**

Practice Acts Examining Boards

Ch. 147

*Barber Examiners*

Leslie W. Jones .....	Burlington	June 30, 1972
Alfred D. Wilson .....	Des Moines	June 30, 1973
Merlyn V. Boyken .....	Waterloo	June 30, 1974

*Chiropractic Examiners*

Palmer Whittenberg, D.C. ....	Knoxville	June 30, 1971
E. C. Vorland, D.C. ....	Cedar Falls	June 30, 1972
Gerald Whitten, D.C. ....	Des Moines	June 30, 1973

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. Betty J. Tull .....	Creston .....	June 30, 1973
Richard Poindexter .....	Burlington .....	June 30, 1974
<i>Funeral Director and Embalmer Examiners</i>		
George F. Murdoch .....	Marion .....	June 30, 1972
Dwight K. Wagler .....	Griswold .....	June 30, 1973
Maurice J. Tierney .....	Dubuque .....	June 30, 1974
<i>Medical Examiners</i>		
Kenneth E. Lister, M.D. ....	Ottumwa .....	June 30, 1974
Dr. Howard G. Ellis, M.D. ....	Des Moines .....	June 30, 1977
Frank R. Peterson, M.D. ....	Cedar Rapids .....	June 30, 1972
John K. Macgregor, M.D. ....	Mason City .....	June 30, 1973
Kenneth R. Carrell, D.O. ....	Columbus Junction ..	June 30, 1974
Roger B. Anderson, D.C. ....	Davenport .....	June 30, 1975
John M. Rhodes, M.D. ....	Pocahontas .....	June 30, 1975
John W. Billingsley, M.D. ....	Newton .....	June 30, 1976
<i>Optometry Examiners</i>		
H. Ray Wilson, O.D. ....	Forest City .....	June 30, 1972
C. E. Nichols, O.D. ....	Clarinda .....	June 30, 1973
K. O. McMaster, O.D. ....	Oelwein .....	June 30, 1974
<i>Pharmacy Examiners</i>		
Dwight E. Fry .....	Greenfield .....	June 30, 1972
Thomas W. Kenefick .....	Eagle Grove .....	June 30, 1973
Charles A. Hughes .....	Emmetsburg .....	June 30, 1974
<i>Physical Therapy Examiners</i>		
Miss Ann McColley .....	Des Moines .....	June 30, 1971
Maurice Schnell, M.D. ....	Iowa City .....	June 30, 1971
Philip G. Abood .....	Marshalltown .....	June 30, 1972
William R. Schober .....	Mason City .....	June 30, 1973
<i>Podiatry Examiners</i>		
Russell R. Schivley .....	Fort Madison .....	June 30, 1972
Calvin B. Dunshee, D.S.C. ....	Oskaloosa .....	June 30, 1973
W. R. Franson, D.S.C. ....	Perry .....	June 30, 1974

HEALTH PLANNING ADVISORY COUNCIL

Stat. L. 89-749

William Logan .....	Keokuk
Gilbert Cranberg .....	Des Moines
Richard Dean .....	Mason City
Elmer Den Herder .....	Sioux Center
Mrs. Louise Goldman .....	Davenport
Keith L. Kirkpatrick .....	Des Moines
Donald S. McGill .....	Melrose
William R. Pierce, Jr. ....	Creston
A. J. Shakeshaft .....	Ames
Mrs. Wilmer Johnson .....	Des Moines
Reverend M. O. Smith .....	Washington
A. L. Smulekoff .....	Cedar Rapids
Ivan J. Ackerman .....	Waverly
James A. Cox .....	Fort Dodge
Maurice Te Paske, Vice Chairman .....	Sioux Center
Dr. James C. Hickman .....	Iowa City
James Wengert .....	Des Moines
Kenneth Barrows .....	Des Moines
Howard Benschoff .....	Des Moines
Julius S. Conner .....	Des Moines
Mrs. Janet K. Specht .....	Marshalltown
Robert Garrison, Chairman .....	Emmetsburg
Mrs. Nadine Lindsay .....	Glidden

Pleasure of the Governor

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
Mrs. Helen Henderson	Des Moines	
John Herrick, D.V.M.	Ames	
James D. Mahoney, M.D.	Council Bluffs	
B. F. Brown	Iowa City	
John MacQueen, M.D.	Iowa City	
Rufus J. Moellers	Ridgeway	
Donald J. Soll, M.D.	Denison	
Albert J. Soucek, D.D.S.	Iowa City	
John H. Sunderbruch, M.D.	Davenport	
Mrs. Marian Van Fossen, R.N.	Cedar Rapids	
Clive R. Ayers, D.O.	Atlantic	
Dr. Harry B. Weinberg	Iowa City	

HIGHER EDUCATION FACILITIES COMMISSION

Ch. 261

Paul Johnston, Superintendent of Public Instruction		
Ray Bailey, Executive Secretary	Clarion	June 30, 1972
Robert H. Kaiser	Sioux City	June 30, 1973
Willard R. Hanson	Cedar Falls	June 30, 1975
Rudy Van Drie	Ames	June 30, 1975
Robert Williams	Des Moines	June 30, 1975
Dr. Lloyd Watkins	West Des Moines	June 30, 1975
Mrs. Georgia C. Nye	Cedar Rapids	June 30, 1973
Keith S. Noah	Charles City	June 30, 1973
Norman W. Kladstrup, Executive Director		
Willis Ann Wolff, Director, Student Aid Programs		
Richard D. Zwemke, Director, Federal Programs		

HIGHWAY COMMISSION

Ch. 307

William O. Gray	Cedar Rapids	June 30, 1973
Stephen Garst	Coon Rapids	June 30, 1973
Robert R. Rigler	New Hampton	June 30, 1975
Harry F. Reed	Winterset	June 30, 1975
Jules M. Busker	Sioux City	June 30, 1975
Joseph R. Coupal, Jr., Director of Highways		
Howard E. Gunderson, Chief Engineer		

HISTORY AND ARCHIVES DEPARTMENT

§303.3

Jack W. Musgrove, Curator	Des Moines	July 1, 1972
Linda K. Thomson, Editor Annals		

HISTORICAL SOCIETY

Ch. 304

(Board of Curators)

Edgar V. Epperly	Decorah	June 27, 1972
Lawrence E. Gelfand	Iowa City	June 27, 1972
Herbert V. Hake	Cedar Falls	June 27, 1972
Mrs. Adelaide S. Keeney	Grinnell	June 27, 1972
Harry Mauck, Jr.	Council Bluffs	June 27, 1972
Mrs. David O. Shaff	Clinton	June 27, 1972
Miss Percie Van Alstine	Gilmore City	June 27, 1972
Dr. Dean Zenor	Iowa City	June 27, 1972
Erwin D. Sias	Sioux City	June 27, 1972
Judge Robert Larson	Iowa City	June 30, 1973
Edward W. Lucas	Iowa City	June 30, 1973
L. C. Rummells	West Branch	June 30, 1973
Walter F. Schmidt	Iowa City	June 30, 1973
Herman B. Lord	Muscatine	June 30, 1973
Bruce E. Mahan	Iowa City	June 30, 1973
Marion R. Neely	Iowa City	June 30, 1973
James Mesmith	Iowa City	June 30, 1973
W. Howard Smith	Cedar Rapids	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>HOSPITAL AND OTHER HEALTH FACILITIES ADVISORY COUNCIL</b>		
§135A.5		
Roland Enos .....	Waterloo .....	June 30, 1971
Richard G. Schreiber .....	Ottumwa .....	June 30, 1972
Bernard M. Graheek .....	Cedar Rapids .....	June 30, 1973
Charles Ingersoll .....	Des Moines .....	June 30, 1974
Emily A. Scheldorf .....	Manning .....	June 30, 1973
Jack D. Fickel, M.D. ....	Red Oak .....	June 30, 1971
K. E. Lister, M.D. ....	Ottumwa .....	June 30, 1972
John E. Tyrrell, M.D. ....	Manchester .....	June 30, 1973
Dr. William C. Keettel .....	Iowa City .....	June 30, 1974
Clive R. Ayers, D.O. ....	Atlantic .....	June 30, 1971
Jerry Starkweather .....	Des Moines .....	June 30, 1972
Alan D. Hathaway, D.D.S. ....	Davenport .....	June 30, 1971
Sister Mary Clarence McDonald .....	Cedar Rapids .....	June 30, 1974
Mrs. Marjorie Field .....	Waterloo .....	June 30, 1971
Mrs. Rita Kline .....	Sioux City .....	June 30, 1971
Kenneth C. Thatcher .....	Cumming .....	June 30, 1971
George Christensen .....	Marne .....	June 30, 1972
Mrs. Donald L. Duglosch .....	Storm Lake .....	June 30, 1972
Howard W. Greiner .....	Wellman .....	June 30, 1972
Mrs. Velma L. Bledsoe .....	Avoca .....	June 30, 1973
Mrs. June Goldman .....	Forest City .....	June 30, 1973
Darrel L. Rensink .....	Sioux Center .....	June 30, 1973
Robert E. Roberts .....	West Des Moines .....	June 30, 1973
Mrs. Bernice Wolf .....	Mason City .....	June 30, 1974
Elmer H. Den Herder .....	Sioux Center .....	June 30, 1974
Mrs. Jean McMurray .....	Webster City .....	June 30, 1974

**INDUSTRIAL COMMISSIONER**

Ch. 86

Robert C. Landess ..... West Des Moines ..... June 30, 1973

**INSURANCE COMMISSIONER**

Ch. 505

William H. Huff III ..... Des Moines ..... June 30, 1975

**INTERSTATE CO-OPERATION COMMISSION**

Ch. 28B

Robert D. Ray, Governor

Roger W. Jepsen, President of the Senate

William H. Harbor, Speaker of the House

Maurice Baringer, Treasurer of State ..... West Des Moines ..... April 30, 1973

Marvin R. Selden, Jr., Comptroller of State ..... West Des Moines ..... April 30, 1973

Clayton L. Ringgenberg ..... Iowa City ..... April 30, 1973

*House Members*

Vernon Bennett ..... Des Moines ..... April 30, 1973

John Camp ..... Bryant ..... April 30, 1973

Harold O. Fischer ..... Wellsburg ..... April 30, 1973

Joan Lipsky ..... Cedar Rapids ..... April 30, 1973

Dale Tieden ..... Elkader ..... April 30, 1973

*Senate Members*

Vernon H. Kyhl ..... Parkersburg ..... April 30, 1973

James F. Schaben ..... Dunlap ..... April 30, 1973

John M. Walsh ..... Dubuque ..... April 30, 1973

James A. Potgeter ..... Steamboat Rock ..... April 30, 1973

James W. Griffin, Sr. .... Council Bluffs ..... April 30, 1973

Serge Garrison, Secretary

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>IOWA DEVELOPMENT COMMISSION</b>		
Ch. 28		
John P. Tinley .....	Shenandoah .....	June 30, 1972
Frank W. Griffith .....	Sioux City .....	June 30, 1972
Robert K. Beck .....	Centerville .....	June 30, 1973
William W. Summerwill .....	Iowa City .....	June 30, 1973
James W. Callison, Vice-Chairman .....	Des Moines .....	June 30, 1973
Robert A. Young, Sr. ....	Waterloo .....	June 30, 1973
Forrest J. Mitchell, Jr. ....	Grinnell .....	June 30, 1973
John P. Bickel .....	Cedar Rapids .....	June 30, 1974
E. A. Hayes, Chairman .....	Mount Pleasant .....	June 30, 1974
Kenneth H. Jolsin .....	Minburn .....	June 30, 1975
Karl Nolin .....	Ralston .....	June 30, 1975
Chad A. Wymer, Director		

**IOWA OFFICIAL REGISTER**

L. Dale Ahern, Editor .....	Decorah .....	Pleasure of Printing Board
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**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
ADVISORY INVESTMENT BOARD**

§97B.8

Dale K. DeKoster .....	Waterloo .....	June 30, 1973
John L. Munger .....	Des Moines .....	June 30, 1975
Keith Gunzenhauser .....	West Des Moines .....	June 30, 1977
<i>House Member</i>		
Leonard C. Andersen .....	Sioux City .....	June 30, 1973
<i>Senate Member</i>		
James W. Griffin, Sr. ....	Council Bluffs .....	June 30, 1973

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

Ch. 173

*House Members*

William H. Harbor, Speaker of the House	
Norman G. Rodgers .....	Adel

*Senate Members*

Roger W. Jepsen, President of the Senate	
C. Joseph Coleman .....	Clare
L. B. Liddy, Secretary of Agriculture	
Lyle Kreps, Director, Marketing Division, Department of Agriculture	
W. Robert Parks, President, Iowa State University	
Chad A. Wymer, Director, Iowa Development Commission	
Chris Wagler, President, Iowa State Fair Board	
Kenneth R. Fulk, Secretary, Iowa State Fair Board	

**JUDICIAL NOMINATING COMMISSION**

Ch. 46

Edris H. Owens .....	Newton .....	June 30, 1973
John M. Downey .....	Des Moines .....	June 30, 1973
Mrs. Wm. Robinson .....	Hampton .....	June 30, 1975
Wm. Sorenson .....	Jefferson .....	June 30, 1975
C. H. Wildman .....	Davenport .....	June 30, 1977
Donald Balster .....	Marion .....	June 30, 1977
Wm. Beck .....	Spirit Lake .....	June 30, 1977

**LABOR COMMISSIONER**

Ch. 91

Jerry L. Addy .....	Des Moines .....	June 30, 1973
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STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
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**LAND REHABILITATION ADVISORY BOARD**

§83A.3

Marvin J. Nelson .....	Cedar Rapids .....	June 30, 1971
G. H. Hertel .....	Des Moines .....	June 30, 1971
William W. Fall .....	Knoxville .....	June 30, 1972
Frank W. Schaller .....	Ames .....	June 30, 1972
William H. Greiner .....	Ankeny .....	June 30, 1972
Dr. Samuel J. Tuthill .....	Iowa City .....	June 30, 1973
James D. Bixler .....	Council Bluffs .....	June 30, 1973
Hugh A. Templeton .....	Knoxville .....	June 30, 1973

**LAW ENFORCEMENT ACADEMY COUNCIL**

Ch. 80B

Jack Hilsabeck .....	Audubon .....	August 14, 1971
Donald M. Statton .....	Boone .....	August 14, 1971
George J. Matias .....	Cedar Rapids .....	August 14, 1973
Frank O'Keefe, Vice Chairman .....	Sioux City .....	August 14, 1973
Warren J. Kruck, Chairman .....	Boone .....	August 14, 1971
David Elderkin .....	West Des Moines .....	August 14, 1971
Arthur R. Kitner .....	Independence .....	Ex officio
Paul G. Young .....	Omaha, Nebraska .....	Ex officio

John Callaghan, Director, Law Enforcement Academy

**LAW EXAMINERS**

Ch. 610

Richard C. Turner, Attorney General, Chairman		
Jake S. More .....	Harlan .....	June 30, 1972
S. David Peshkin .....	Des Moines .....	June 30, 1972
Robert R. Eidsmoe .....	Sioux City .....	June 30, 1972
Wilbur R. Dull .....	Ottumwa .....	June 30, 1973
Frank R. Miller .....	Decorah .....	June 30, 1973

**LEGISLATIVE COUNCIL**

§2.49

*Senate Members*

Roger W. Jepsen, President of the Senate		
James E. Briles .....	Corning .....	
S. J. Brownlee .....	Emmetsburg .....	
Lee H. Gaudineer, Jr. ....	Des Moines .....	
Eugene M. Hill .....	Newton .....	
Vernon H. Kyhl .....	Parkersburg .....	
Clifton C. Lamborn .....	Maquoketa .....	
Arthur A. Neu .....	Carroll .....	
William D. Palmer .....	Des Moines .....	

*House Members*

William H. Harbor, Speaker of the House		
Michael T. Blouin .....	Dubuque .....	
Dale M. Cochran .....	Eagle Grove .....	
Dennis L. Freeman .....	Storm Lake .....	
Ed Skinner .....	Altoona .....	
Nathan Sorg .....	Marion .....	
Delwyn Stromer .....	Garner .....	
Andrew Varley .....	Stuart .....	

Serge Garrison, Director, Legislative Service Bureau

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

**LEGISLATIVE SERVICE BUREAU**

§2.58

Serge H. Garrison, Director .....	Des Moines	Pleasure of the
Philip E. Burks, Senior Research Analyst .....	Des Moines	Legislative Council

STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>LEWIS AND CLARK TRAIL COMMITTEE</b>		
Executive Order		
Edward Ruisch, Chairman .....	Sioux City	
William E. Darrington .....	Persia	
Leo G. Dick .....	Oakland	
Alden J. Erskin .....	Sioux City	
Sherry R. Fisher .....	Des Moines	
Eugene C. Gilson .....	Glenwood	
C. E. Hitchman .....	Blencoe	Pleasure of the Governor
Joseph A. Larkin .....	Council Bluffs	
James H. Pullman, Jr. ....	Sidney	
Emerson H. Schill .....	Sioux City	
John F. Schmidt .....	Sioux City	
Ed H. Spetman, Jr. ....	Council Bluffs	

**LIBRARY BOARD OF TRUSTEES**

Ch. 303

Robert D. Ray, Governor		
C. Edwin Moore, Supreme Court Chief Justice		
Paul F. Johnston, Superintendent of Public Instruction		
Jeanne A. Gee .....	Shenandoah	June 30, 1974
Librarian, Law:		
Geraldine Dunham .....	Des Moines	
Library, Traveling:		
J. Maurice Travillian, Acting Director .....	Des Moines	
Librarian, Medical:		
Mrs. Marion Samo		

**LIBRARY**

(Board of Trustees of State Traveling)

§303.17

Mrs. Helen Margaret Crabb .....	Jamaica	June 30, 1972
Mrs. Katherine M. Zastrow .....	Charles City	June 30, 1973
Mrs. Charles R. Gee .....	Shenandoah	June 30, 1974
Arie M. Verrips .....	Sioux Center	June 30, 1975
William Sheridan .....	Keokuk	June 30, 1971

**LIQUOR CONTROL COMMISSION**

§123.6

Homer R. Adcock .....	Des Moines	June 30, 1971
Reverend Carl G. Sinning .....	Manning	June 30, 1973
Kenneth W. Anderson .....	Davenport	June 30, 1975
Earl J. Baum, Executive Secretary		

**MANPOWER ADVISORY COMMITTEE**

Stat. L.

Mrs. Ruth Ratekin .....	Cedar Falls	December 31, 1970
F. L. Docken .....	Lambs Grove	December 31, 1970
Bertrand A. Jensen .....	Cedar Rapids	December 31, 1970
Wallace F. McKee .....	Carlisle	December 31, 1970
Dr. Mel A. Everingham .....	Ottumwa	December 31, 1970
Wm. O. Schuermann .....	Des Moines	December 31, 1970
David Calister .....	Des Moines	December 31, 1970
Harold Holmes .....	Des Moines	December 31, 1970
Anthony V. Sinicropi .....	Iowa City	December 31, 1970
Charles Banks .....	Des Moines	December 31, 1970

**MEDICAL ASSISTANCE ADVISORY COUNCIL**

§249A.4(8)

Don McGrath .....	Eagle Grove	June 30, 1972
Miss Aletha C. McNeal .....	Grinnell	June 30, 1972
Mrs. Carl Rundberg .....	Ogden	June 30, 1973
Mrs. Sue M. Reed .....	Des Moines	June 30, 1973

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>MENTAL HYGIENE COMMITTEE</b>		
Ch. 225B		
Douglas B. Grant .....	Cedar Rapids .....	June 3, 1971
Mrs. Erma Bunge .....	Cedar Rapids .....	June 3, 1971
Thomas C. Piekenbrock, M.D., Chairman .....	Dubuque .....	June 3, 1971
Mrs. Margaret G. Westerhof, Vice Chairman .....	Carlisle .....	June 3, 1972
George W. Sutton, D.O. ....	Mount Pleasant .....	June 3, 1972
Dr. Roy E. Warman .....	Ames .....	June 3, 1973
Dr. James D. Mahoney .....	Council Bluffs .....	June 3, 1973
Raymond E. Donlevy .....	Dubuque .....	June 3, 1973

**MENTALLY RETARDED AND COMMUNITY MENTAL  
HEALTH CENTERS ADVISORY COUNCIL**

§135.44

Dwight E. Barton .....	Adel .....	June 30, 1972
Mrs. A. C. Westerhof .....	Carlisle .....	June 30, 1972
Harold Bridges .....	Muscatine .....	June 30, 1972
Alvin Hayes, Jr. ....	Des Moines .....	June 30, 1972
Mrs. Max Lyon .....	Clinton .....	June 30, 1972
Minnette Doderer .....	Iowa City .....	June 30, 1972
Darrell Ensz .....	Ottumwa .....	June 30, 1972
Mrs. Frances Hines .....	Des Moines .....	June 30, 1972
Verne R. Kelly .....	Iowa City .....	June 30, 1972
Robert Brindley .....	Mason City .....	June 30, 1972
George Sutton, D.O. ....	Mount Pleasant .....	June 30, 1972
Drexel Lange .....	Des Moines .....	June 30, 1972
Juliet Saxton .....	Des Moines .....	June 30, 1972
J. T. May, M.D. ....	Cherokee .....	June 30, 1972
Conrad Wurtz, Ph.D. ....	Des Moines .....	June 30, 1972
Herbert Nelson, M.D. ....	Iowa City .....	June 30, 1972
Harry Gittins .....	Des Moines .....	June 30, 1972
Arnold M. Reeve, M.D. ....	Des Moines .....	June 30, 1972

**MERIT EMPLOYMENT COMMISSION**

Ch. 19A

Al Meacham .....	Grinnell .....	June 30, 1973
William C. Hubbard, Chairman .....	Iowa City .....	June 30, 1973
James B. Morris .....	Des Moines .....	June 30, 1975
Julian Torgerson .....	Sioux City .....	June 30, 1975
Mrs. Thelma Heitsman .....	Corning .....	June 30, 1977

W. L. Keating, Director

**MINES AND MINERALS DEPARTMENT**

Ch. 82

W. Dean Aubrey, Inspector .....	West Des Moines .....	June 30, 1971
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**MINING BOARD**

Ch. 82

Dr. John Lemish, Chairman .....	Ames .....	June 30, 1972
William J. Evans .....	Des Moines .....	June 30, 1972
Robert R. Welp .....	Fort Dodge .....	June 30, 1972
John Victor, Jr. ....	Fort Dodge .....	June 30, 1972
Leo T. Schuler .....	Des Moines .....	June 30, 1972

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>MISSISSIPPI PARKWAY PLANNING COMMISSION</b>		
Ch. 308		
Harry G. McKee .....	Muscatine .....	June 30, 1973
Ivan E. Dull .....	Dubuque .....	June 30, 1973
Gary D. Engebretson .....	Decorah .....	June 30, 1973
A. Fred Berger, Sr. ....	Davenport .....	June 30, 1973
George C. Aschom .....	Lansing .....	June 30, 1973
Charles B. Millham .....	Guttenberg .....	June 30, 1975
Harold Clausen .....	Clinton .....	June 30, 1975
John McCormally .....	Burlington .....	June 30, 1975
Lynn Battles .....	Maquoketa .....	June 30, 1975
Mrs. Carl Majors .....	Keokuk .....	June 30, 1975

## NATURAL RESOURCES COUNCIL

Ch. 455A

Dr. Samuel J. Tuthill .....	Iowa City .....	June 30, 1973
Joseph W. Howe .....	Iowa City .....	June 30, 1973
Clifford M. Naser .....	Fort Dodge .....	June 30, 1973
J. Justin Rogers .....	Spirit Lake .....	June 30, 1975
Hugh A. Templeton .....	Knoxville .....	June 30, 1975
Mrs. Mabel Miller .....	Keosauqua .....	June 30, 1975
Leslie C. Klink .....	Elkader .....	June 30, 1977
Dr. Merwin D. Dougal .....	Ames .....	June 30, 1977
Lee Feil .....	Riverton .....	June 30, 1977
Othie R. McMurry, Director		

## NURSING BOARD

Ch. 147

Miss Virginia R. Lawrence, R.N. ....	Mason City .....	June 30, 1972
Mrs. Virginia C. Turner .....	Waterloo .....	June 30, 1973
Mrs. Sara Fishel, R.N. ....	Marion .....	June 30, 1974
Mary Suzanne Wickenkamp, Chairman .....	Ottumwa .....	June 30, 1975
Miss Mildred I. Freel .....	Iowa City .....	June 30, 1976
Mrs. Lynne M. Illes, Executive Director		

## NURSING HOME ADMINISTRATORS EXAMINERS BOARD

Ch. 147

James Gannon, M.D. ....	Laurens .....	June 30, 1972
Elwin R. Vest .....	Woodbine .....	June 30, 1972
Ezra William Shenk .....	Wellman .....	June 30, 1972
Mrs. Eloise I. Shaffer .....	Centerville .....	June 30, 1973
Robert V. Campbell .....	Oskaloosa .....	June 30, 1973
William W. Tester .....	Iowa City .....	June 30, 1973
Jerry C. Helfenstine .....	Des Moines .....	June 30, 1974
Rev. Arlin H. Adams .....	Waukon .....	June 30, 1974
J. D. Shepherd .....	Newton .....	June 30, 1974

## PAROLE BOARD

Ch. 247

George L. Paul .....	Brooklyn .....	June 30, 1973
Jack Bedell .....	Spirit Lake .....	June 30, 1975
Silas S. Ewing .....	Des Moines .....	June 30, 1977

## PRESERVES ADVISORY BOARD

Ch. 111B

William J. Petersen, Ph.D. ....	Iowa City .....	June 30, 1971
Marshall McKusick .....	Iowa City .....	June 30, 1971
Dr. John D. Dodd .....	Ames .....	June 30, 1972
Sylvan T. Runkel .....	Des Moines .....	June 30, 1972
Vacancy .....	.....	June 30, 1973
Vacancy .....	.....	June 30, 1973
Fred A. Prewert, Director		

## STATE OFFICERS—Continued

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

Ch. 15

Melvin D. Synhorst, Secretary of State		
Lloyd R. Smith, Auditor of State		
Richard C. Turner, Attorney General		
Reeves E. Hall .....	Independence .....	June 30, 1972
Lewis S. Kimer .....	Indianola .....	June 30, 1973
J C Moore, Superintendent		
Carl S. Ball, Assistant Superintendent		

## PUBLIC INSTRUCTION, BOARD OF

Ch. 257

Earl G. Sievers .....	Avoca .....	January 2, 1972
Robert J. Beecher .....	Creston .....	January 2, 1972
Dr. J. M. Walter .....	Ames .....	January 2, 1972
Miss Virginia Harper .....	Fort Madison .....	January 2, 1974
Stanley R. Barber .....	Wellman .....	January 2, 1974
Mrs. Richard Cole .....	Decorah .....	January 2, 1974
Mrs. Virgil Shepard .....	Allison .....	January 2, 1976
John E. van der Linden .....	Sibley .....	January 2, 1976
T. J. Heronimus .....	Grundy Center .....	January 2, 1976

## PUBLIC INSTRUCTION SUPERINTENDENT

Ch. 257

Paul F. Johnston, Superintendent .....	Des Moines
Gayle Obrecht, Chief, School Plant Facilities .....	West Des Moines
Dr. Richard N. Smith, Deputy State School Superintendent	
David Bechtel, Administrative Assistant to the Superintendent	
Leonard C. Abels, Development and Planning Consultant	

## PUBLIC SAFETY COMMISSIONER

Ch. 80

Michael M. Sellers .....	Des Moines .....	Pleasure of the Governor
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## REAL ESTATE COMMISSION

Ch. 117

Jack D. Schuck .....	Parkersburg .....	June 30, 1973
Lester E. Calvert .....	Des Moines .....	June 30, 1973
Stephen G. Darling .....	Iowa City .....	June 30, 1975
Donald Knudsen .....	Eagle Grove .....	June 30, 1975
Cecil Galvin, Director		

## RECIPROCITY BOARD

§326.3

Michael Sellers .....	Des Moines
Maurice Van Nostrand .....	Des Moines
Harry Reed .....	Winterset
Steven C. Schoenebaum, Executive Secretary	

## REGENTS, BOARD OF

Ch. 326

Mrs. Margaret Collison .....	Oskaloosa .....	June 30, 1977
Stanley Redecker .....	Boone .....	June 30, 1973
Ned E. Perrin .....	Mapleton .....	June 30, 1973
Ralph H. Wallace .....	Mason City .....	June 30, 1973
Ray V. Bailey .....	Clarion .....	June 30, 1975
Donald H. Shaw .....	Davenport .....	June 30, 1975
Mrs. H. Rand Petersen .....	Harlan .....	June 30, 1975
John Baldrige .....	Chariton .....	June 30, 1977
Ralph McCartney .....	Charles City .....	June 30, 1977
R. Wayne Richey, Executive Secretary		
Paul V. Porter, Director of Research and Information		

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>REVENUE, DIRECTOR OF</b>		
Ch. 421		
Donald C. Briggs .....	West Des Moines .....	Pleasure of the Governor

**RURAL POLICY COUNCIL**

Executive Order

Governor Robert D. Ray, serving as Chairman  
 L. B. Liddy, Secretary of Agriculture  
 Leroy Petersen, Director, Office for Planning and Programming  
 Chad Wymer, Director, Iowa Development Commission  
 Bob Tyson, Director, State Office of Economic Opportunity  
 Fred Priewert, Director, State Conservation Commission  
 Bill Greiner, Director, Department of Soil Conservation  
 Marvin A. Anderson, Director, Co-operative Extension Service, Iowa State University  
 Arnold Reeve, Commissioner, Department of Public Health

**AREA SCHOOLS ADVISORY COMMITTEE**

Ch. 280A

Miss Susan Parks .....	Seymour .....	June 30, 1973
Gordon Bennett .....	Ottumwa .....	June 30, 1973
Ned Willis .....	Perry .....	June 30, 1973
Mrs. Irene Hood .....	Mount Ayr .....	June 30, 1973
Mrs. Jolly Ann Davidson, Chairman .....	Clarinda .....	June 30, 1973
Donald H. Shaw .....	Davenport .....	June 30, 1975
Earl M. Yoder .....	Iowa City .....	June 30, 1975
Hugh Clark .....	Des Moines .....	June 30, 1975
James J. Muto .....	Des Moines .....	June 30, 1975

**SCHOOL ADVISORY COMMITTEE, PRIVATE**

§257.30

Wayne D. Albers .....	Fort Dodge .....	June 30, 1974
Merl E. Alons .....	Pella .....	June 30, 1974
A. W. Behrens .....	Templeton .....	June 30, 1974
Merlin J. Hellman .....	Houghton .....	June 30, 1974
Forrest W. Rosser .....	Cedar Rapids .....	June 30, 1974

**SCHOOL BUDGET REVIEW COMMITTEE**

§442.21

Stephen Garst .....	Coon Rapids .....	June 30, 1971
Keith L. Vetter .....	Washington .....	June 30, 1972
Harry G. Helgeson .....	Lake Mills .....	June 30, 1973

**SERVICEMEN'S BALLOT COMMISSION**

§53.45

Melvin D. Synhorst, Chairman		
Churchill T. Williams .....	Oelwein .....	December 31, 1971
Mrs. Herbert (Lois) Reed .....	Panora .....	December 31, 1971
Leo Hansen .....	Audubon .....	December 31, 1971
Mrs. James (Dorothea) Green .....	Dubuque .....	December 31, 1971

**SOCIAL SERVICES COUNCIL**

Ch. 217

James N. Gillman, Commissioner .....	Marshalltown .....	Pleasure of the Governor
Fernice W. Robbins .....	Waterloo .....	June 30, 1971
David F. McCann .....	Council Bluffs .....	June 30, 1971
Mrs. Meredith U. Deevers .....	Bettendorf .....	June 30, 1973
Miss Lois Emanuel, Chairman .....	Marion .....	June 30, 1973
Vacancy .....		June 30, 1975

## STATE OFFICERS—Continued

Name and Office	City or Town from which originally chosen	Term Ending
<b>SOIL CONSERVATION COMMITTEE</b> Ch. 467A		
L. B. Liddy, Secretary of Agriculture		
Wilson Moon, Advisor to Committee		
Fred A. Priewert, Director, Conservation Commission		
Othie McMurry, Director, Natural Resources Council		
George K. Annan, Chairman .....	Clarinda .....	June 30, 1973
Fred Cherry .....	Rowley .....	June 30, 1973
Carroll J. Hobson .....	Eldora .....	June 30, 1975
Sherry Fisher .....	Des Moines .....	June 30, 1975
Jerry Norland .....	Cylinder .....	June 30, 1975
Donald Johnson, Vice Chairman .....	Fairfield .....	June 30, 1977
Tom Kenny .....	Akron .....	June 30, 1977
Dr. Marvin Anderson		

**STATUS OF WOMEN, COMMISSION ON**  
Executive Order

Mrs. Linda L. Archibald .....	Des Moines .....	December 31, 1972
Ralph R. Brown .....	Davenport .....	December 31, 1972
Dr. James Chastain .....	Des Moines .....	December 31, 1972
Mrs. Mary Clark .....	Des Moines .....	December 31, 1972
Mrs. Shirley A. Clark .....	Waukon .....	December 31, 1972
Mrs. Jacqueline Day .....	Des Moines .....	December 31, 1972
Mrs. Arlene H. Dayhoff, Vice Chairman .....	Cedar Rapids .....	December 31, 1972
Mrs. Jesse N. Durden, Jr., Chairman .....	Des Moines .....	December 31, 1972
Mrs. Beverly B. Everett .....	New Sharon .....	December 31, 1972
Miss Patricia Geadelmann .....	Eagle Grove .....	December 31, 1972
Mrs. Dorothy M. Goettsch .....	Davenport .....	December 31, 1972
Mrs. Phyllis M. Henderson .....	Des Moines .....	December 31, 1972
Dr. Mavis L. Holmes .....	Cedar Falls .....	December 31, 1972
Mrs. Ruth S. Hoover .....	Newton .....	December 31, 1972
Mrs. Leone K. Hopson .....	Des Moines .....	December 31, 1972
Miss Hazel O. Larson .....	Des Moines .....	December 31, 1972
Dr. Helen R. LeBaron Hilton .....	Ames .....	December 31, 1972
Dr. Edwin C. Lewis .....	Ames .....	December 31, 1972
George Lundberg .....	Des Moines .....	December 31, 1972
Mrs. Evelyn M. Oujiri .....	Cedar Rapids .....	December 31, 1972
Mrs. Betty M. Page .....	Waterloo .....	December 31, 1972
Mrs. Walter Pedersen .....	Sioux City .....	December 31, 1972
Madeleine Marie Schmidt .....	Ottumwa .....	December 31, 1972
Robert Tyson .....	Ankeny .....	December 31, 1972
Mrs. Hilda Weingart .....	Des Moines .....	December 31, 1972
Mrs. Christine Wittgraf .....	Des Moines .....	December 31, 1972

**SUPREME COURT**  
Ch. 684

G. K. Sappenfield, Clerk .....	Des Moines .....	Pleasure
R. Hanson Lawton* .....	Fort Madison .....	of the
Clarence A. Kading, Judicial Statistician .....	Knoxville .....	Supreme Court

\*See 64 G. A., ch. 80, §8.

**TAX REVIEW BOARD**  
§421.1

L. L. Peirce .....	Newton .....	June 30, 1973
Edwin A. Hicklin .....	Wapello .....	June 30, 1975
Vacancy .....		June 30, 1977

**UNIFORM STATE LAWS COMMISSION**  
Ch. 5

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

## STATE OFFICERS—Continued

Name and Office	City or town from which originally chosen	Term Ending
<b>VOCATIONAL EDUCATION ADVISORY COUNCIL</b>		
§258.7		
Gordon Bennett .....	Des Moines .....	June 30, 1972
Dr. Robert Benton .....	Council Bluffs .....	June 30, 1972
Kenneth R. Lewis .....	Des Moines .....	June 30, 1972
Mrs. Evelynne Villines .....	Des Moines .....	June 30, 1972
William S. Dickinson .....	Fort Madison .....	June 30, 1973
Dr. Rodrick Bickert .....	Mason City .....	June 30, 1973
James E. Bowman, Chairman .....	Des Moines .....	June 30, 1973
Dr. Robert Kiser .....	Sioux City .....	June 30, 1973
Dr. Marvin Lind .....	Des Moines .....	June 30, 1973
John Reeves .....	Ottumwa .....	June 30, 1974
Joe White .....	Iowa Falls .....	June 30, 1974
Robert G. Koons .....	Clinton .....	June 30, 1974
Robert Skinner .....	Des Moines .....	June 30, 1974
Harlan Giese, Executive Secretary		
<b>VOTING MACHINE COMMISSIONERS</b>		
§52.4		
Howard L. Snook .....	Newton .....	February 3, 1974
Mrs. Susan E. Buell .....	Muscatine .....	February 3, 1974
Roy E. Voelker .....	Oskaloosa .....	February 3, 1974
<b>WATCHMAKING BOARD OF EXAMINERS</b>		
§120.3(1)		
Willa J. Dickens .....	Iowa City .....	June 30, 1974
Donald C. Spaight .....	Cedar Rapids .....	June 30, 1974
Kenneth Woldruff .....	Griswold .....	June 30, 1972
Delmar D. Conklin .....	Perry .....	June 30, 1972
Paul L. Wirth .....	Vinton .....	June 30, 1973
Ray A. Wiley, Executive Secretary		
<b>WATER POLLUTION CONTROL COMMISSION</b>		
Ch. 455		
William H. Greiner, Director of the Soil Conservation Commission		
Robert Lounsberry, Deputy Secretary of Agriculture		
Othie R. McMurry, Director of the Iowa Natural Resources Council		
Fred A. Prierwert, Director of the State Conservation Commission		
Arnold M. Reeve, Commissioner of Public Health		
Lee Albaugh .....	Charles City .....	June 30, 1973
Carol B. Curtis .....	Newton .....	June 30, 1973
Robert R. Buckmaster .....	Waterloo .....	June 30, 1975
Leo M. Sweesy .....	Mason City .....	June 30, 1975
Elvie L. Dreeszen .....	Cushing .....	June 30, 1975
Robert L. Morris, Associate Director and Principal Chemist .....	Iowa City .....	June 30, 1977
R. J. Schliekelman, Technical Secretary		
<b>YOUTH OPPORTUNITY COUNCIL</b>		
Executive Order		
Miss Jean Bode .....	Cedar Falls .....	June 30, 1972
Kevin Bolden .....	Des Moines .....	June 30, 1972
Steve Burk .....	Cedar Rapids .....	June 30, 1972
Robert Deaver .....	Des Moines .....	June 30, 1972
C. J. Gauger .....	Ames .....	June 30, 1972
Daniel Kroloff .....	Urbandale .....	June 30, 1972
Timothy Lindstrom .....	Des Moines .....	June 30, 1972
Lamont Lovelady .....	Des Moines .....	June 30, 1972
Edward F. Nahas .....	Des Moines .....	June 30, 1972
Arthur Neu .....	Carroll .....	June 30, 1972
Max Noe .....	Des Moines .....	June 30, 1972
Jerald Schnoor, Chairman .....	Ames .....	June 30, 1972
Philip Smith .....	Waterloo .....	June 30, 1972
Robert Sohl .....	Denver .....	June 30, 1972
Harold Templeman .....	West Des Moines .....	June 30, 1972
Deborah Ann Turner .....	Ames .....	June 30, 1972
Miss Charlotte Woods .....	Iowa City .....	June 30, 1972
Vacancy .....		June 30, 1972



## 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
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, 1978
Harvey Uhlenhopp .....	Hampton .....	Dec. 31, 1972
W. Ward Reynoldson .....	Osceola .....	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, 1977
William S. Cahill .....	Burlington .....	Dec. 31, 1974
Harlan W. Bainter .....	Mount Pleasant .....	Dec. 31, 1972

Second Judicial District

Charles N. Pettit .....	Bloomfield .....	June 30, 1977
Edward P. Powers .....	Centerville .....	Dec. 31, 1976
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, 1977
Thomas S. Brown .....	Corydon .....	Dec. 31, 1972
James E. Hughes .....	Lenox .....	Dec. 31, 1972

Fourth Judicial District

George M. Paradise .....	Sioux City .....	June 30, 1977
Lawrence W. McCormick .....	Sioux City .....	June 30, 1977
Donald M. Pendleton .....	Sioux City .....	Dec. 31, 1972
C. F. Stilwell, C. J. ....	Sioux City .....	Dec. 31, 1974

Fifth Judicial District

Maurice C. Herrick, C. J. ....	Indianola .....	Dec. 31, 1972
Robert O. Frederick .....	Winterset .....	Dec. 31, 1974
Van Wifvat .....	Perry .....	Dec. 31, 1972

Sixth Judicial District

Harold J. Fleck .....	Newton .....	June 30, 1977
L. R. Carson, C. J. ....	Oskaloosa .....	June 30, 1977
Ira Morrison .....	Washington .....	Dec. 31, 1972

Seventh Judicial District

M. L. Sutton .....	Clinton .....	June 30, 1977
Nathan Grant, C. J. ....	Davenport .....	June 30, 1977
Lowell D. Phelps .....	Davenport .....	Dec. 31, 1976
Robert K. Stohr .....	Muscatine .....	Dec. 31, 1972
James R. Haverkamp .....	Davenport .....	Dec. 31, 1974
Allan Keck .....	Maquoketa .....	Dec. 31, 1972

Eighth Judicial District

B. J. Maxwell .....	Tipton .....	June 30, 1977
William R. Eads .....	Cedar Rapids .....	Dec. 31, 1976
Harold D. Vietor, C. J. ....	Cedar Rapids .....	Dec. 31, 1972
J. Paul Naughton .....	Marengo .....	Dec. 31, 1972
Ansel J. Chapman .....	Iowa City .....	Dec. 31, 1976
Robert Osmundson .....	Iowa City .....	Dec. 31, 1972
Clinton E. Shaeffer .....	Cedar Rapids .....	Dec. 31, 1972

## JUDICIAL DEPARTMENT—Continued

Name	Office Address	Term Ending
<b>Ninth Judicial District</b>		
Wade Clarke .....	Des Moines .....	June 30, 1977
Don L. Tidrick .....	Des Moines .....	June 30, 1977
Gibson C. Holliday, C. J. ....	Des Moines .....	June 30, 1977
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, 1976
Leo Oxberger .....	Des Moines .....	Dec. 31, 1976
<b>Tenth Judicial District</b>		
George C. Heath .....	Waterloo .....	June 30, 1977
Blair C. Wood .....	Waterloo .....	June 30, 1977
Peter Van Metre .....	Waterloo .....	June 30, 1977
Carroll E. Engelkes, C. J. ....	Grundy Center .....	June 30, 1977
<b>Eleventh Judicial District</b>		
E. J. Kelley .....	Ames .....	June 30, 1977
Paul E. Hellwege, C. J. ....	Boone .....	Dec. 31, 1972
Edward J. Flattery .....	Fort Dodge .....	Dec. 31, 1972
Mark McCormick .....	Fort Dodge .....	Dec. 31, 1976
Arthur F. Draheim, Jr. ....	Clarion .....	Dec. 31, 1972
<b>Twelfth Judicial District</b>		
C. H. Wild, C. J. ....	Waverly .....	June 30, 1977
L. E. Plummer .....	Northwood .....	June 30, 1977
John F. Stone .....	Mason City .....	Dec. 31, 1972
B. C. Sullivan .....	Rockford .....	Dec. 31, 1972
<b>Thirteenth Judicial District</b>		
E. B. Shaw, C. J. ....	Oelwein .....	June 30, 1977
Thomas H. Nelson .....	Dubuque .....	Dec. 31, 1972
John C. Oberhausen .....	Dubuque .....	Dec. 31, 1972
Joseph C. Keefe .....	Decorah .....	Dec. 31, 1972
<b>Fourteenth Judicial District</b>		
G. W. Stillman .....	Algona .....	June 30, 1977
Joseph P. Hand .....	Emmetsburg .....	June 30, 1977
Richard W. Cooper, C. J. ....	Storm Lake .....	June 30, 1977
Murray S. Underwood .....	Spencer .....	Dec. 31, 1974
<b>Fifteenth Judicial District</b>		
R. Kent Martin .....	Atlantic .....	June 30, 1977
Bennett Cullison, C. J. ....	Harlan .....	June 30, 1977
Leroy H. Johnson .....	Red Oak .....	June 30, 1977
Harold L. Martin .....	Hamburg .....	Dec. 31, 1974
Paul H. Sulhoff .....	Council Bluffs .....	Dec. 31, 1976
<b>Sixteenth Judicial District</b>		
R. K. Brannon .....	Denison .....	June 30, 1977
A. J. Braginton .....	Manson .....	June 30, 1977
David Harris, C. J. ....	Jefferson .....	Dec. 31, 1976
<b>Seventeenth Judicial District</b>		
M. C. Farber, C. J. ....	Marshalltown .....	June 30, 1977
John L. Hyland .....	Toledo .....	Dec. 31, 1972
<b>Eighteenth Judicial District</b>		
James P. Kelley, C. J. ....	LeMars .....	Dec. 31, 1976
Edward F. Kennedy .....	Sibley .....	Dec. 31, 1976

## JUDICIAL DEPARTMENT—Continued

Name	Office Address	Term Ending
<b>JUDGES OF THE MUNICIPAL COURTS</b>		
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 Ardel	
	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	
	Edward F. Kolker	

## 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, 1972
2	John Culver .....	Marion .....	Dec. 31, 1972
3	H. R. Gross .....	Waterloo .....	Dec. 31, 1972
4	John Kyl .....	Bloomfield .....	Dec. 31, 1972
5	Neal Smith .....	Altoona .....	Dec. 31, 1972
6	Wiley Mayne .....	Sioux City .....	Dec. 31, 1972
7	William J. Scherle .....	Henderson .....	Dec. 31, 1972

**GENERAL ASSEMBLY**  
**SENATORS IN THE GENERAL ASSEMBLY**

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
*Anderson, Quentin V...	Beaconsfield	38	Farmer, Businessman	48	Ringgold, Union, Decatur, Wayne, Appanoose	60, 60X, 61, 63
*Arbuckle, R. Dean	Jefferson	44	Businessman	28	Greene, Boone, Guthrie	63
Balloun, Charles F.	Toledo	66	Farmer	21	Tama, Benton, Black Hawk	59, 60, 60X, 61, 62, 63
Bass, Earl G.	Malvern	55	Farmer, Grain Dealer	41	Mills, Page, Fremont, Montgomery	63(2nd)
*Briles, James E.	Corning	44	Auct., Real Estate	42	Adams, Cass, Audubon, Adair, Taylor	56, 58, 59, 60, 60X, 61, 62, 63
*Brownlee, S. J.	Emmetsburg	43	Farm Management	8	Palo Alto, Buena Vista, Pocahontas, Clay, O'Brien	63(2nd)
Carlson, Reinhold O.	Des Moines	65	Savings & Loan Exec.	29	Polk	None
*Coleman, C. Joseph	Clare	47	Farmer	15	Webster, Calhoun	57, 58, 59, 60, 60X, 61, 62, 63
*Conklin, W. Charlene	Waterloo	41	Housewife	20	Black Hawk	62, 63
*Curran, Leigh R.	Mason City	64	Farmer, Businessman	9	Cerro Gordo, Franklin	59, 60, 60X, 62, 63
Davis, Wilson L.	Keokuk	53	Engineer, Contractor	50	Lee, Van Buren	63(2nd)
*DeKoster, Lucas J.	Hull	52	Lawyer, Ins. Agent	1	Sioux, Lyon, Plymouth	61, 62, 63
*Doderer, Minnette F.	Iowa City	47	Legislator	35	Johnson	60, 60X, 61, 62, 63
Erskine, Alden J.	Sioux City	69	Automotive Business	12	Woodbury	62, 63
*Gaudineer, Lee H., Jr.	Des Moines	38	Lawyer	32	Polk	61, 62, 63
*Gilley, Floyd	Maynard	68	Retired Farmer	7	Fayette, Allamakee, Winneshiek	63
Glenn, Gene W.	Ottumwa	42	Lawyer	49	Wapello, Davis	61, 62, 63
Graham, J. Wesley	Ida Grove	68	Farm Manager	13	Ida, Cherokee, Sac, Calhoun	59, 60, 60X, 61, 62, 63
*Griffin, James W., Sr.	Council Bluffs	35	Insurance Executive	40	Pottawattamie	63
†Gross, G. William	Sioux City	41	Pharm. Prod. Salesman	11	Woodbury	None
Hill, Eugene M.	Newton	57	Farmer	34	Jasper, Iowa, Poweshiek	58, 59, 60, 60X, 61, 62, 63
*Keith, Wayne D.	Algona	62	Businessman, Farmer	3	Kossuth, Emmet, Humboldt	63
Kennedy, Gene V.	Dubuque	43	Owner Private Detective Agency	26	Dubuque, Allamakee, Clayton	63
*Kyhle, Vernon H.	Parkersburg	62	Auto Dealer	5	Butler, Mitchell, Floyd	60, 60X, 61, 62, 63
Lamborn, Clifton C.	Maquoketa	51	Contractor	24	Jackson, Jones, Delaware	62, 63
*Laverty, Charles O.	Indianola	54	Farmer, Agri-Business	47	Warren, Marion, Monroe	63
Messerly, Francis L.	Cedar Falls	56	Investment Management	19	Black Hawk	59, 60, 60X, 61, 62, 63
Miller, Charles P.	Burlington	52	Chiropractor	46	Des Moines, Louisa	60, 60X, 61, 62, 63
Milligan, George F.	Des Moines	36	Banker	31	Polk	63
*Mowrey, John L.	Marshalltown	64	Lawyer	18	Marshall, Grundy	57, 58, 59, 60, 60X, 62, 63
Neu, Arthur A.	Carroll	37	Lawyer	14	Carroll, Crawford, Monona	62, 63
Nicholson, Edward E.	Davenport	66	Livestock Feeder	38	Scott	63
*Ollenburg, H. L.	Garner	59	Bank President	4	Hancock, Winnebago, Worth, Wright, Cerro Gordo	63
*Palmer, William D.	Des Moines	35	Pres. Insurance Agency	30	Polk	61, 62, 63

SENATORS IN THE GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Dis.	Counties Composing District	Former Legislative Service
Potgeter, James A. . . . .	Steamboat Rock.	40	Grain Dealer. . . . .	16	Hardin, Hamilton, Wright, Franklin. . . . .	. . . . . 62, 63
*Potter, Ralph W. . . . .	Marion. . . . .	50	Real Estate Broker. . . . .	10	Linn, Buchanan, Delaware. . . . .	. . . . . 63
Rabedeaux, W. R. . . . .	Wilton Jct. . . . .	51	Pres. Publishing Co., Dir. Power Co. . . . .	36	Cedar, Muscatine, Scott. . . . .	. . . . . 63(2nd)
Rhodes, John C. . . . .	Chariton. . . . .	41	Admin. Food Stores. . . . .	43	Lucas, Dallas, Madison, Clarke. . . . .	. . . . . None
Riley, Tom. . . . .	Cedar Rapids. . . . .	41	Lawyer. . . . .	23	Linn. . . . .	. . . . . 59, 60, 60X, 61, 62
†Robinson, Cloyd E. . . . .	Cedar Rapids. . . . .	32	Food Co. Employee. . . . .	22	Linn. . . . .	. . . . . None
Schaben, James F. . . . .	Dunlap. . . . .	44	Livestock Auct. Market Operator. . . . .	27	Harrison, Shelby, Pottawattamie. . . . .	. . . . . 62, 63
Shaff, Roger J. . . . .	Camanche. . . . .	60	Farmer. . . . .	37	Clinton. . . . .	. . . . . 62, 63
Shawver, George L. . . . .	Fredericksburg. . . . .	53	Contractor. . . . .	6	Chickasaw, Bremer, Howard. . . . .	. . . . . None
*Smith, Marvin W. . . . .	Paullina. . . . .	69	Ret. Farmer, Teacher. . . . .	2	O'Brien, Osceola, Dickinson, Clay, Lyon. . . . .	. . . . . 57, 58, 59, 60, 60X, 61, 62, 63
Stephens, Richard L. . . . .	Crawfordsville. . . . .	66	Farmer, Livestock Prod. . . . .	45	Washington, Jefferson, Henry. . . . .	. . . . . 57, 58, 59, 60, 60X, 61, 62, 63
**Sullivan, Charles K. . . . .	Sioux City. . . . .	62	Business Executive. . . . .	11	Woodbury. . . . .	. . . . . 62, 63
Tapscott, John E. . . . .	Des Moines. . . . .	40	Ins., Sec., Real Estate. . . . .	33	Polk. . . . .	. . . . . 62, 63
*Thordsen, Harold A. . . . .	Davenport. . . . .	61	Real Estate Broker. . . . .	39	Scott. . . . .	. . . . . 62, 63
Van Drie, Rudy. . . . .	Ames. . . . .	39	Publisher. . . . .	17	Story, Jasper. . . . .	. . . . . 62, 63
*Van Gilst, Bass. . . . .	Oskaloosa. . . . .	59	Farm Owner, Operator. . . . .	44	Mahaska, Keokuk, Iowa, Monroe. . . . .	. . . . . 61, 62, 63
Walsh, John M. . . . .	Dubuque. . . . .	30	Dept. Store Manager. . . . .	25	Dubuque. . . . .	. . . . . 62, 63

\*Holdover  
 \*\*Deceased February 13, 1971  
 †Elected March 8, 1971, to fill vacancy  
 ‡Elected during interim to fill vacancy

REPRESENTATIVES IN THE GENERAL ASSEMBLY

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Alt, Don D. . . . .	W. Des Moines. . . . .	54	Savings & Loan Exec. . . . .	61st—Polk. . . . .	. . . . . 63
Anania, Samuel F. . . . .	Des Moines. . . . .	49	Barber Shop Owner. . . . .	65th—Polk. . . . .	. . . . . None
Andersen, Leonard C. . . . .	Sioux City. . . . .	59	Realtor, Insurance. . . . .	23rd—Woodbury. . . . .	. . . . . 59, 60, 60X, 62, 63
Bennett, Vernon N. . . . .	Des Moines. . . . .	34	Business Rep. for Union. . . . .	59th—Polk. . . . .	. . . . . 62, 63
Bergman, Irvin L. . . . .	Harris. . . . .	59	Farmer. . . . .	3rd—Lyon-Dickinson- Osceola. . . . .	. . . . . 62, 63
Blouin, Michael T. . . . .	Dubuque. . . . .	25	Teacher. . . . .	49th—Dubuque. . . . .	. . . . . 63
Bray, Daniel L., Jr. . . . .	Davenport. . . . .	23	Law Student. . . . .	77th—Scott. . . . .	. . . . . None

GENERAL ASSEMBLY—Continued

REPRESENTATIVES IN THE GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Camp, John.....	Bryant.....	55	Agric., Business.....	73rd—Clinton.....	58, 59, 60, 60X, 62, 63
Campbell, Herbert L.....	Washington.....	60	Farmer.....	89th—Henry-Jefferson- Washington.....	63
Christensen, Perry L.....	Kent.....	38	Farmer.....	95th—Decatur-Ringgold- Union.....	62, 63
Clark, John H.....	Keokuk.....	24	Insurance Agent.....	100th—Lee.....	None
Cochran, Dale M.....	Eagle Grove.....	42	Farmer.....	29th—Calhoun-Webster.....	61, 62, 63
Curtis, Warren E.....	Cherokee.....	56	Accountant.....	25th—Cherokee-Ida.....	None
Den Herder, Elmer.....	Sioux Center.....	62	Realtor.....	1st—Sioux-Lyon.....	57, 58, 59, 60, 60X, 61, 62, 63
Dougherty, Tom.....	Albia.....	40	Farmer.....	94th—Marion-Monroe.....	60X, 61, 63
Doyle, Donald V.....	Sioux City.....	45	Lawyer.....	21st—Woodbury.....	57, 58, 61, 63
Drake, Richard F.....	Muscatine.....	43	Farmer.....	71st—Muscatine.....	63
Dunton, Keith H.....	Thornburg.....	55	Farmer, Businessman.....	88th—Iowa-Keokuk.....	58, 59, 60, 60X, 61, 62, 63
Edelen, Rollin C.....	Estherville.....	62	Business Manager.....	5th—Emmet-Kossuth.....	None
Egenes, Sonja.....	Story City.....	40	Housewife.....	33rd—Story.....	None
Ellsworth, Theodore R.....	Dubuque.....	52	Insurance.....	50th—Dubuque.....	63
Ewell, Vernon A.....	Waterloo.....	33	Teacher.....	39th—Black Hawk.....	63
Fischer, Harold O.....	Wellsburg.....	53	Insurance, Realtor.....	35th—Grundy-Marshall.....	58, 59, 60, 60X, 61, 62, 63
Fisher, C. Raymond.....	Grand Junction.....	63	Farmer.....	56th—Greene-Guthrie.....	58, 59, 60, 60X, 61, 62, 63
Franklin, A. June.....	Des Moines.....	40	Admin. Assistant.....	64th—Polk.....	62, 63
Freeman, Dennis L.....	Storm Lake.....	31	Insurance Salesman.....	15th—Buena Vista-Clay- O'Brien.....	63
Gluba, William E.....	Davenport.....	28	College Admin. Counselor.....	76th—Scott.....	None
Goode, Dewey E.....	Bloomfield.....	72	Retired.....	98th—Davis-Wapello.....	45, 45X, 46, 46X, 47, 48, 49, 50, 50X, 53, 54, 55, 56, 57, 59, 60, 60X, 63
Grassley, Charles E.....	New Hartford.....	37	Farmer.....	10th—Butler-Floyd.....	58, 59, 60, 60X, 61, 62, 63
Hamilton, Howard A.....	Tipton.....	61	Dist. Insurance Manager.....	72nd—Cedar-Muscatine-Scott.....	63
Hansen, Willard.....	Cedar Falls.....	39	Insurance Executive.....	37th—Black Hawk.....	63
Harbor, William H.....	Henderson.....	50	Grain Elevator Owner.....	81st—Mills-Montgomery- Page.....	56, 57, 58, 62, 63
Hill, Philip B.....	Des Moines.....	39	Lawyer.....	62nd—Polk.....	None
Holden, Edgar H.....	Davenport.....	56	Real Estate Broker.....	75th—Scott.....	62, 63
Husak, Emil J.....	Toledo.....	40	Farmer.....	41st—Black Hawk-Tama.....	None
Jesse, Norman.....	Des Moines.....	33	Lawyer.....	58th—Polk.....	63
Johnston, Joseph C.....	Iowa City.....	32	Lawyer, Accountant.....	70th—Johnson.....	63
Kehe, Luvern W.....	Waverly.....	60	Engineer, Contractor.....	12th—Bremer-Chickasaw.....	63
Kelly, E. Kevin.....	Sioux City.....	27	Lawyer.....	22nd—Woodbury.....	None
Kennedy, Michael K.....	New Hampton.....	31	Lawyer.....	11th—Chickasaw-Howard- Winneshiek.....	63
Kinley, George R.....	Des Moines.....	33	Self Employed.....	66th—Polk.....	None
Knoblauch, Charles E., Sr.....	Carroll.....	48	Chamber of Comm. Man.....	28th—Carroll-Crawford.....	63
Knoke, George J.....	Council Bluffs.....	40	Lawyer.....	79th—Pottawattamie.....	None
Kreamer, Robert M.....	Des Moines.....	29	Attorney.....	63rd—Polk.....	63
Kruse, Walter W. P.....	Sheldon.....	66	Farmer, Insurance.....	4th—Clay-O'Brien.....	63

REPRESENTATIVES IN THE GENERAL ASSEMBLY—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Larson, Larry N.	Ames	34	Grocer	34th—Jasper-Story	None
Lawson, Murray C.	Mason City	47	Printing Firm Owner	17th—Cerro Gordo	63
Lipsky, Joan	Cedar Rapids	51	Housewife	46th—Linn	62, 63
Logemann, Kenneth L.	Northwood	33	Farmer	7th—Cerro Gordo-Worth-Winnebago	63(2nd)
Mayberry, D. Vincent	Ft. Dodge	54	Poultry Processor	30th—Webster	61, 62, 63
McCormick, Harold C.	Manchester	60	Furniture Store Owner	48th—Delaware-Jones	63
McElroy, Lillian	Percival	53	Housewife	82nd—Fremont-Page	None
Mendenhall, John C.	New Albin	66	Retired	13th—Allamakee-Winneshiek	63
Menefee, Maynard	Fayette	63	Farmer	19th—Fayette	63
Middleswart, James I.	Indianola	58	Agriculture	93rd—Warren-Marion	62, 63
Millen, Floyd H.	Farmington	50	President Gravel Co.	99th—Lee-Van Buren	60, 60X, 61, 62, 63
Miller, Elizabeth R.	Marshalltown	65	Housewife	36th—Marshall	63
Moffit, Delmont	Mystic	59	Farmer & Farm Manager	96th—Appanoose-Decatur-Wayne	59, 60, 60X, 62
Mollett, Henry C.	Council Bluffs	32	Pres. Janitorial Service	80th—Pottawattamie	None
Monroe, W. R. (Bill), Jr.	Burlington	32	Pharmacist	92nd—Des Moines	None
Nielson, Alfred	Defiance	68	Farmer	53rd—Harrison-Shelby	60, 60X, 61, 62, 63
Norpel, Richard J., Sr.	Bellevue	52	Insurance Agent	52nd—Jackson-Jones	None
Nystrom, John N.	Boone	37	Auto Dealer	55th—Boone	None
Pattson, John W.	Aurora	65	Farmer	20th—Buchanan-Delaware	61, 62
Pellett, Wendell C.	Atlantic	53	Farmer	83rd—Audubon-Cass	None
Pelton, Charles H.	Clinton	30	Attorney	74th—Clinton	62, 63
Pierson, George N.	Oskaloosa	66	Farmer	87th—Keokuk-Mahaska-Monroe	62, 63
Priebe, Berl E.	Algona	52	Farmer	6th—Kossuth-Humboldt	63
Radl, Richard M.	Lisbon	59	Manufacturer	43rd—Linn	61, 62, 63
Rex, Clyde	Ellsworth	48	Farmer	31st—Hamilton-Wright	63
Rodgers, Norman G.	Adel	43	Grocer, Farmer	85th—Dallas-Madison	63
Roorda, Norman	Monroe	42	Farmer	67th—Jasper	62, 63
Sargisson, Hallie	Salix	63	Housewife	24th—Woodbury	None
Schmeiser, Lloyd F.	Burlington	49	Farmer	91st—Des Moines-Louisa	63
Schroeder, Laverne W.	McClelland	37	Farmer	54th—Harrison-Pottawattamie	62, 63
Schwartz, James H.	Ottumwa	42	Insurance	97th—Wapello	63
Schwieger, Barton L.	Waterloo	29	Lawyer	40th—Black Hawk	None
Scott, Kenneth D.	Thornton	40	Farmer, Real Estate	18th—Franklin-Cerro Gordo	None
Shaw, Elizabeth	Davenport	47	Lawyer, Housewife	78th—Scott	62, 63
Stiglin, Marion D.	Lucas	60	Farmer	86th—Clarke-Lucas-Madison	60
Skinner, Ed.	Altoona	34	Attorney	60th—Polk	63
Small, Arthur A., Jr.	Iowa City	36	Business Exec., Educator	69th—Johnson	None
Sorg, Nathan	Marion	60	Pharmacist	47th—Linn	62, 63
Stanley, Ivor W.	Cedar Rapids	46	Exec. Industrial Supplies	45th—Linn	None
Stokes, A. Gordon	Le Mars	70	Farmer	2nd—Plymouth-Sioux	59, 60, 60X, 61, 62, 63
Strand, Clair	Grinnell	60	Retired	68th—Iowa-Jasper-Poweshiek	62, 63

GENERAL ASSEMBLY—Continued

**REPRESENTATIVES IN THE GENERAL ASSEMBLY—Continued**

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Stromer, Delwyn	Garner	40	Farmer	8th—Hancock-Wright	62, 63
Strothman, Charles F.	New London	69	Farmer	90th—Henry-Jefferson	60, 60X, 61, 62, 63
Taylor, Raymond J.	Dubuque	34	Maintenance-Construction	51st—Dubuque	None
Tieden, Dale	Elkader	48	Farmer	14th—Allamakee-Clayton	61, 62, 63
Trowbridge, Delbert L.	Charles City	67	Farmer, Real Estate	9th—Floyd-Mitchell	None
Uban, Charles J.	Waterloo	49	Oil Distributor	38th—Black Hawk	61
Varley, Andrew	Stuart	35	Farmer	84th—Adair-Adams-Taylor	62, 63
Waugh, Jewell O.	Whiting	60	Farmer	27th—Crawford-Monona	62, 63
Welden, Richard W.	Iowa Falls	62	Contractor	32nd—Franklin-Hardin	62, 63
Wells, James D.	Cedar Rapids	42	Food Co. Employee	44th—Linn	63
Willits, Earl M.	Des Moines	24	Teacher	57th—Polk	None
Winkelman, William P.	Lohrville	37	Farmer, Businessman	26th—Calhoun-Sac	60, 60X, 61, 62, 63
Wirtz, James E.	Emmetsburg	27	Insurance, Real Estate	16th—Palo Alto-Pocahontas	None
Wyckoff, Russell L.	Vinton	45	Farmer	42nd—Benton-Black Hawk	None



# OFFICERS OF THE SIXTY-FOURTH GENERAL ASSEMBLY, FIRST SESSION

## OFFICERS OF THE SENATE

*President*—Roger W. Jepsen ..... Davenport  
*President Pro Tempore*—Vernon H. Kyhl ..... Parkersburg  
*Majority Floor Leader*—Clifton C. Lamborn ..... Maquoketa  
*Assistant Majority Floor Leader*—Charles F. Balloun ..... Toledo  
*Assistant Majority Floor Leader*—Lucas J. DeKoster ..... Hull  
*Minority Floor Leader*—Lee H. Gaudineer, Jr. .... Des Moines  
*Assistant Minority Floor Leader*—James F. Schaben ..... Dunlap  
*Senate Minority Whip*—C. Joseph Coleman ..... Clare  
*Secretary of the Senate*—Carroll A. Lane ..... Carroll  
*Assistant Secretary of the Senate*—Ruth E. Fisher ..... Des Moines  
*Law and Reading Clerk*—Paul A. Romans ..... Des Moines  
*Reading Clerk*—Dan J. O'Brien ..... Des Moines  
*Journal Clerk*—Dorothy F. Nepstad ..... Des Moines  
*Assistant Journal Clerk*—Roberta Hickerson ..... Des Moines  
*Engrossing Clerk*—Ardith B. Martin ..... Des Moines  
*Secretary to Lieutenant Governor*—  
     Joyce Ann Johnson ..... Des Moines  
*Secretary to the Secretary*—K. Marie Thayer ..... Ankeny  
*Secretary and Enrolling Clerk*—Colleen Dillon ..... Des Moines  
*Supply and Secretary's Clerk*—Dorothy E. Hohnbaum ..... Grimes  
*Payroll Clerk*—Mary Ann Abbott ..... Des Moines  
*Special Clerk*—Beverly B. Dunn ..... Des Moines  
*General Clerk*—Marilyn May Overturff ..... Altoona  
*Control Board Operator*—Kevin Albright ..... Sioux City  
*Bill Clerk*—Nola Caryll Wilbur ..... Indianola  
*Assistant Bill Clerk*—Michael T. Sheehan ..... Humboldt  
*Sergeant-at-Arms*—Romaine Huffman ..... Carroll  
*Assistant Sergeant-at-Arms*—R. K. Shawhan ..... Des Moines  
*Assistant Sergeant-at-Arms*—John Nelson ..... Jewell  
*Chief Doorkeeper*—Byron Marshall ..... Indianola  
*Postmistress*—Mary D. Balloun ..... Toledo

## OFFICERS OF THE HOUSE

*Speaker of the House*—William H. Harbor ..... Henderson  
*Speaker Pro Tempore*—Floyd H. Millen ..... Farmington  
*Majority Floor Leader*—Andrew Varley ..... Stuart  
*Assistant Majority Floor Leader*—Richard F. Drake ..... Muscatine  
*Assistant Majority Floor Leader*—  
     Robert M. Kreamer ..... Des Moines  
*Minority Floor Leader*—Dale M. Cochran ..... Eagle Grove  
*Assistant Minority Floor Leader*—Berl E. Priebe ..... Algona  
*Minority Whip*—A. June Franklin ..... Des Moines  
*Chief Clerk of the House*—William R. Kendrick ..... Des Moines  
*Assistant Chief Clerk*—Burl B. Beam ..... Martensdale  
*Legislative Counsel*—Lillian Leffert ..... Des Moines  
*Engrossing Clerk*—Mary F. Newcomb ..... Des Moines  
*Chief Journal Clerk*—Sue M. Reed ..... Des Moines  
*Journal Clerk*—Elizabeth A. Isaacson ..... Des Moines  
*Secretary to Chief Clerk*—Dolores Abels ..... Des Moines  
*Clerk to Chief Clerk*—Dorothy Potthoff ..... Des Moines  
*Finance Clerk*—Billie Jean Walling ..... Des Moines  
*Supervisor of Clerks*—Elizabeth J. O'Connor ..... Des Moines  
*Secretary to Speaker*—Maryjo F. Welch ..... Des Moines  
*Assistant to Legislative Counsel*—  
     Pauline E. Kephart ..... Des Moines  
*Sergeant-at-Arms*—Ralph A. Lancaster ..... Des Moines  
*Assistant Sergeant-at-Arms*—Clarence O. Anderson ..... Des Moines  
*Bill Clerk*—Phyllis J. Frazier ..... Des Moines  
*Assistant Bill Clerk*—Madeline E. James ..... Des Moines  
*File Clerk*—Douglas L. Stephenson ..... Des Moines  
*Supply Clerk*—Ann B. McCarty ..... Des Moines  
*Chief Electrician*—Elmer E. Pennington ..... Des Moines  
*Assistant Electrician*—Alfred E. Wierson ..... Radcliffe  
*Control Board Operator*—Douglas L. Clayton ..... Whiting  
*Assistant Voting Machine Operator*—  
     John G. Fribourge ..... Des Moines  
*Postmaster*—Laura J. Stokes ..... LeMars  
*Chief Doorkeeper*—Frank Christen ..... Des Moines  
*Doorkeeper*—Leonard A. Borg ..... Des Moines  
*Doorkeeper*—Alfred Broad ..... Des Moines  
*Doorkeeper*—Roy Carlson ..... Des Moines  
*Doorkeeper*—Percy J. Couch ..... Des Moines  
*Doorkeeper*—Paul M. Elliott ..... Des Moines  
*Doorkeeper*—Arthur C. Henderson ..... West Des Moines  
*Doorkeeper*—Maurice W. Johnson ..... Ankeny  
*Doorkeeper*—Arvid B. Lundberg ..... Des Moines  
*Doorkeeper*—Ewald Sandine ..... Des Moines  
*Doorkeeper*—Vernon J. Studer ..... Des Moines  
*Doorkeeper*—Clyde P. Wilson ..... Des Moines

# CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds  
For Each Year of the Biennial Period Ending June 30, 1970.

Fiscal Year Ending June 30, 1970

	Balance July 1, 1969	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1970
General Revenue .....	\$ 65,342,845	\$ 493,285,029	\$ 558,627,874	\$ 427,931,050	\$ 82,863,394
Transfers .....				97,833,430	
Trust Funds .....	117,309,679	239,532,960	438,746,478	303,940,729	134,805,749
Transfers .....		81,903,839			
Special Funds					
(Comptroller's Warrants) ..	355,991,496	473,275,339	851,028,893	441,997,672	409,031,221
Transfers .....		21,762,058			
Special Funds					
(Treasurer's Checks) .....	14,655,946	15,283,081	29,939,027	2,606,535	10,868,159
Transfers .....				16,464,333	
<b>TOTALS</b> .....	<b>\$ 553,299,966</b>	<b>\$1,325,042,306</b>	<b>\$1,878,342,272</b>	<b>\$1,290,773,749</b>	<b>\$ 587,568,523</b>
Balance July 1, 1969 .....					\$ 553,299,966
Receipts and Transfers .....					1,325,042,306
Total .....					\$1,878,342,272
Disbursements and Transfers .....					1,290,773,749
Balance June 30, 1970 .....					\$ 587,568,523

# LAWS

OF THE

First Regular Session

OF THE

## Sixty-fourth General Assembly

OF THE

### STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE ELEVENTH DAY OF JANUARY, AND ENDED ON THE NINETEENTH DAY OF JUNE, A.D. 1971, IN THE ONE HUNDRED TWENTY-FIFTH YEAR OF THE STATE.

### APPROPRIATIONS

FOR ADDITIONAL APPROPRIATIONS, SEE CHAPTERS 152 and 213.

#### CHAPTER 1

##### STATE DEPARTMENTS APPROPRIATIONS

S. F. 576

AN ACT making an appropriation from the general fund of the state of Iowa to various state departments and their divisions, and transferring and appropriating from certain departmental funds.

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

1	SECTION 1.	There is appropriated from the general fund of the	
2		state for each fiscal year of the biennium beginning July 1, 1971 and	
3		ending June 30, 1973, for the following state departments and their	
4		divisions, the following amounts, or so much thereof as may be	
5		necessary, to be used in the manner designated:	
6		1971-72	1972-73
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	1. ARTS COUNCIL, IOWA STATE		
9	For salaries, support, maintenance and miscellaneous purposes: ....		
10	.....	\$ 38,188.00	\$ 38,465.00
11	2. ATTORNEY GENERAL		
12	For salaries, support, maintenance and miscellaneous purposes: ....		
13	.....	\$ 462,200.00	\$ 487,800.00

14	3. AUDITOR OF STATE		
15	a. General Office		
16	For salaries, support, maintenance and miscellaneous purposes : ....		
17	.....	\$ 777,493.00	\$ 780,750.00
18	b. Savings and Loan Division		
19	For salaries, support, maintenance and miscellaneous purposes : ....		
20	.....	\$ 21,670.00	\$ 24,770.00
21	Total: .....	\$ 799,163.00	\$ 805,520.00
22	4. CAPITOL PLANNING COMMISSION		
23	For the expense of secretarial or professional help, for research		
24	materials such as maps, sketches, diagrams and photographs for the		
25	purpose of planning future expansion and development of the state-		
26	house grounds, and for per diem of not more than forty dollars per		
27	day and expenses of the members. The capitol planning commission		
28	shall issue a report to the general assembly as required and in the		
29	form specified by the budget and financial control committee: .....		
30	.....	\$ 3,650.00	\$ 3,650.00
31	For the expense of conducting a study, planning, and specific		
32	recommendations to be submitted to the general assembly regarding		
33	food services in the capitol complex, visitor parking facilities, ap-		
34	pearance and utilization of the ground floor of the capitol building,		
35	and immediate space needs of all state departments, boards, commis-		
36	sions and agencies: .....	\$ 25,000.00	\$ 25,000.00
37	Total: .....	\$ 28,650.00	\$ 28,650.00
38	5. CIVIL RIGHTS COMMISSION, IOWA		
39	For salaries, support, maintenance and miscellaneous purposes : ....		
40	.....	\$ 95,460.00	\$ 99,120.00
41	6. COMPTROLLER, STATE		
42	a. General Office		
43	For salaries, support, maintenance and miscellaneous purposes : ....		
44	.....	\$ 431,951.00	\$ 468,757.00
45	b. Data Processing		
46	For salaries, support, maintenance and miscellaneous purposes : ....		
47	.....	\$ 2,193,019.00	\$ 2,782,518.00
48	Total: .....	\$ 2,624,970.00	\$ 3,251,275.00
49	7. COUNCIL OF STATE GOVERNMENTS		
50	For support of the council of state governments: .....		
51	.....	\$ 27,130.00	\$ 27,130.00
52	8. ECONOMIC OPPORTUNITY, OFFICE OF		
53	General Office		
54	For salaries, support, maintenance and miscellaneous purposes : ....		
55	.....	\$ 48,320.00	\$ 46,230.00
56	9. EMPLOYMENT OF THE HANDICAPPED, COMMITTEE ON		
57	For salaries, support, maintenance and miscellaneous purposes : ....		
58	.....	\$ 47,124.00	\$ 48,534.00
59	10. EMPLOYMENT SECURITY COMMISSION		
60	For salaries, support, maintenance and miscellaneous purposes for		
61	the administration of chapters ninety-seven (97) and ninety-seven C		
62	(97C) and section two hundred ninety-four point fifteen (294.15) of		
63	the Code: .....	\$ 112,690.00	\$ 112,180.00
64	11. EXECUTIVE COUNCIL		
65	For salaries, support, maintenance and miscellaneous purposes : ....		
66	.....	\$ 736,012.00	\$ 813,488.00

67	12. GOVERNOR		
68	a. General Office		
69	For salaries, support, maintenance and miscellaneous purposes: ....		
70	-----	\$ 224,197.00	\$ 228,830.00
71	b. For governor's expenses incurred by him in connection with the		
72	duties of governor: -----	\$ 5,000.00	\$ 5,000.00
73	Total: -----	\$ 229,197.00	\$ 233,830.00
74	13. CRIME COMMISSION, IOWA		
75	For salaries, support, maintenance and miscellaneous purposes: ....		
76	-----	\$ 44,410.00	\$ 81,630.00
77	14. DRUG ABUSE PROGRAM—OFFICE OF GOVERNOR		
78	For salaries, support, maintenance and miscellaneous purposes: ....		
79	-----	\$ 134,756.00	\$ 120,656.00
80	15. LAW ENFORCEMENT ACADEMY, IOWA		
81	For salaries, support, maintenance and miscellaneous purposes: ....		
82	-----	\$ 223,452.00	\$ 251,519.00
83	16. PLANNING AND PROGRAMMING, OFFICE FOR		
84	a. General Office		
85	For salaries, support, maintenance and miscellaneous purposes: ....		
86	-----	\$ 107,834.00	\$ 105,515.00
87	For support of community action local aid programs, including		
88	state matching funds: -----	\$ 118,500.00	\$ 118,500.00
89	For study committees: -----	\$ 5,000.00	\$ 5,000.00
90	Total: -----	\$ 231,334.00	\$ 229,015.00
91	b. Community Affairs Division		
92	For salaries, support, maintenance and miscellaneous purposes: ....		
93	-----	\$ 145,820.00	\$ 149,380.00
94	For municipal planning assistance: \$	25,000.00	\$ 25,000.00
95	Any balance of the appropriations for municipal planning assist-		
96	ance remaining at the end of the biennium shall not revert to the		
97	general fund as provided by chapter eight (8) of the Code, but shall		
98	be extended to June 30, 1975.		
99	Total: -----	\$ 170,820.00	\$ 174,380.00
100	Grand Total: -----	\$ 402,154.00	\$ 403,395.00
101	17. LIEUTENANT GOVERNOR		
102	For the lieutenant governor's per diem and expenses incurred by		
103	him while performing duties of lieutenant governor when the gen-		
104	eral assembly is not in session, including travel, postage and secre-		
105	tarial or clerical assistance: -----	\$ 7,000.00	\$ 7,000.00
106	The lieutenant governor shall receive eighty dollars per diem.		
107	18. INDUSTRIAL COMMISSIONER		
108	For salaries, support, maintenance and miscellaneous purposes:		
109	-----	\$ 164,320.00	\$ 173,450.00
110	19. INSURANCE DEPARTMENT OF IOWA		
111	For salaries, support, maintenance and miscellaneous purposes: ....		
112	-----	\$ 758,757.00	\$ 795,732.00
113	20. INTERSTATE COOPERATION, COMMISSION ON		
114	For expenses of commission members in carrying out their obli-		
115	gations under chapter twenty-eight B (28B) of the Code: -----		
116	-----	\$ 7,500.00	\$ 7,500.00

117 No part of the funds appropriated by this subsection shall be paid  
 118 to any member of the general assembly who has been defeated in a  
 119 primary or general election or has resigned his seat in the general  
 120 assembly or has publicly expressed his intention not to seek election  
 121 or reelection to the general assembly.

122 21. LABOR, BUREAU OF

123 For salaries, support, maintenance and miscellaneous purposes: ....  
 124 .....\$ 442,119.00 \$ 431,213.00

125 The bureau of labor may sell documents printed by the bureau of  
 126 labor at cost according to rules established by the bureau which rules  
 127 shall be subject to chapter seventeen A (17A) of Code. Receipts  
 128 from such sale shall be deposited to the credit of the bureau of labor  
 129 and may be used by the bureau for administrative expenses.

130 22. LEGISLATIVE SERVICE BUREAU

131 For salaries, support, maintenance and miscellaneous purposes: ....  
 132 .....\$ 312,090.00 \$ 327,320.00

133 For incorporating the Acts of the Sixty-fourth General Assembly  
 134 into the Code of Iowa on magnetic tape and to update and revise the  
 135 related vocabulary concordance, which shall be accomplished in the  
 136 manner approved by the legislative council: .....

137 .....\$ 15,000.00 \$ -0-

138 23. LIBRARY, IOWA STATE LAW

139 For salaries, support, maintenance and miscellaneous purposes: ....  
 140 .....\$ 90,640.00 \$ 90,870.00

141 24. LIBRARY, IOWA STATE MEDICAL

142 For salaries, support, maintenance and miscellaneous purposes: ....  
 143 .....\$ 69,010.00 \$ 69,910.00

144 25. LIBRARY, IOWA STATE TRAVELING

145 For salaries, support, maintenance and miscellaneous purposes,  
 146 provided that no employee shall be paid more than the salary set  
 147 for the director of the state traveling library: .....

148 .....\$ 148,358.00 \$ 152,387.00

149 26. LIQUOR CONTROL COMMISSION, IOWA

150 a. General Operations

151 For salaries, support, maintenance and miscellaneous purposes,  
 152 including fifty thousand (50,000) dollars to be used for purchasing  
 153 equipment: .....\$ 6,212,883.00 \$ 6,471,568.00

154 b. Liquor Enforcement Division

155 For salaries, support, maintenance, and miscellaneous purposes: ..  
 156 .....\$ 253,653.00 \$ 261,896.00

157 Total: .....\$ 6,466,536.00 \$ 6,733,464.00

158 c. There is transferred to the general fund of the state all unen-  
 159 cumbered and unobligated funds remaining as of January 1, 1972 in  
 160 the special fund created pursuant to section one hundred twenty-four  
 161 point five (124.5), Code 1971.

162 d. The Iowa liquor control commission is authorized to extend to  
 163 June 30, 1972 all funds remaining as of June 30, 1971 of the one  
 164 hundred thousand (100,000) dollars appropriated for the purpose of  
 165 studying, designing and implementing an inventory and accounting  
 166 system in cooperation with the state auditor under chapter thirty-  
 167 three (33), Acts of the Sixty-third General Assembly, First Session.

168	27. MERIT EMPLOYMENT DEPARTMENT, IOWA		
169	For salaries, support, maintenance and miscellaneous purposes: ....		
170	-----	\$ 243,395.00	\$ 252,500.00
171	28. NATIONAL CONFERENCE OF STATE LEGISLATIVE LEADERS		
172	For annual dues for membership to the national conference of		
173	state legislative leaders: .....	\$ 1,000.00	\$ 1,000.00
174	29. PHARMACY EXAMINERS		
175	For salaries, support, maintenance and miscellaneous purposes: ....		
176	-----	\$ 96,408.00	\$ 95,659.00
177	30. PIONEER LAWMAKERS		
178	For salaries, support and miscellaneous purposes: .....		
179	-----	\$ 80.00	\$ 220.00
180	31. PRINTING BOARD, THE STATE		
181	For salaries, support, maintenance and miscellaneous purposes: ....		
182	-----	\$ 128,456.00	\$ 71,113.00
183	Funds appropriated by this section, in the discretion of the print-		
184	ing board, may be used to pay the cost of printing of the "Iowa		
185	Official Register", "Iowa Welcomes You" booklet and other miscel-		
186	laneous items.		
187	32. PUBLIC BUILDINGS AND GROUNDS, SUPERINTENDENT OF		
188	For salaries, support, maintenance and miscellaneous purposes: ....		
189	-----	\$ 1,041,350.00	\$ 1,055,330.00
190	For maintenance, repairs, replacements, alterations, or equipment		
191	of public buildings and grounds of the state of Iowa, subject to		
192	approval of the executive council: ....	\$ 192,800.00	\$ 188,000.00
193	Total: .....	\$ 1,234,150.00	\$ 1,243,330.00
194	33. PUBLIC DEFENSE, DEPARTMENT OF		
195	a. Military Division		
196	For salaries, support, maintenance and miscellaneous purposes: ....		
197	-----	\$ 1,303,850.00	\$ 1,244,500.00
198	b. Civil Defense Division		
199	For salaries, support, maintenance and miscellaneous purposes: ....		
200	-----	\$ 76,631.00	\$ 78,383.00
201	Total: .....	\$ 1,380,481.00	\$ 1,322,883.00
202	34. REAL ESTATE COMMISSION, IOWA		
203	For salaries, support, maintenance and miscellaneous purposes: ....		
204	-----	\$ 81,760.00	\$ 84,160.00
205	35. REVENUE, DEPARTMENT OF		
206	For salaries, support, maintenance and miscellaneous purposes: ....		
207	-----	\$ 5,200,603.00	\$ 5,347,128.00
208	36. SECRETARY OF STATE		
209	For salaries, support, maintenance and miscellaneous purposes: ....		
210	-----	\$ 228,842.00	\$ 221,499.00
211	37. SPANISH-AMERICAN WAR VETERANS		
212	For salaries, support, maintenance and miscellaneous purposes: ....		
213	-----	\$ 3,490.00	\$ 3,490.00
214	38. SUPREME COURT, CLERK OF		
215	For salaries, support, maintenance and miscellaneous purposes: ....		
216	-----	\$ 34,740.00	\$ 31,030.00
217	39. SUPREME COURT, CODE EDITOR		
218	For salaries, support, maintenance and miscellaneous purposes: ....		
219	-----	\$ 32,550.00	\$ 32,610.00

220	40. SUPREME COURT, COURT ADMINISTRATOR		
221	For salaries, support, maintenance and miscellaneous purposes to		
222	supplement the court administrator fund, created pursuant to sec-		
223	tion six hundred six point fifteen (606.15), Code 1971, as amended		
224	by Senate File four hundred sixty-one (461), section six (6), Acts		
225	of the Sixty-fourth General Assembly, First Session: .....		
226	.....\$	43,280.00	\$ 43,040.00
227	41. TREASURER OF STATE		
228	For salaries, support, maintenance and miscellaneous purposes: ....		
229	.....\$	194,395.00	\$ 199,149.00
230	42. COMMISSION ON UNIFORM STATE LAWS		
231	For support of the conference of commissioners on uniform state		
232	laws: .....	\$ 2,200.00	\$ 2,200.00
233	For traveling expenses of members of the commission on uniform		
234	laws: .....	\$ 1,500.00	\$ 1,500.00
235	Total: .....	\$ 3,700.00	\$ 3,700.00
236	<b>Grand total of all appropriations for each fiscal year of the bien-</b>		
237	<b>niunium as provided by section one (1) of this Act: .....</b>		
238	.....	<u>\$23,417,536.00</u>	<u>\$24,565,779.00</u>

1 SEC. 2. Chapter nineteen A (19A), Code 1971, is amended by  
2 adding the following new section:

3 "No state employee subject to the provisions of this chapter shall  
4 be entitled to longevity pay except those employees granted longevity  
5 pay pursuant to section ten (10) of Senate File five hundred seventy-  
6 three (573), Acts of the Sixty-fourth General Assembly, First Ses-  
7 sion."

1 SEC. 3. All federal grants to and the federal receipts of the de-  
2 partments and divisions receiving funds under this Act are appro-  
3 priated for the purpose set forth in the federal grants or receipts.

1 SEC. 4. No moneys appropriated by this Act shall be used for  
2 capital improvements, except such expenditures as may be made in  
3 connection with maintenance and training facilities required by the  
4 military division of the department of public defense and except such  
5 expenditures from funds appropriated to the superintendent of  
6 public buildings and grounds when approved by the executive coun-  
7 cil.

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year  
4 of the biennium commencing July 1, 1971 shall, on September 30,  
5 1972, revert to the state treasury and to the credit of the fund from  
6 which appropriated. The agencies, departments and commissions to  
7 which appropriations are made by this Act may make application to  
8 the committees on appropriations for the reappropriation of any  
9 funds that do revert, or probably will revert upon the dates herein  
10 set and the respective committees on appropriations or a subcommit-  
11 tee thereof shall hold a hearing upon the application while the gen-  
12 eral assembly is in regular session. In all other respects the pro-  
13 visions of section eight point thirty-three (8.33) of the Code shall



14 apply to appropriations made for the first fiscal year of such bien-  
 15 nium. Unencumbered or unobligated balances of appropriations  
 16 made for the second fiscal year of such biennium shall be subject to  
 17 section eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 2

### STATE OFFICIALS SALARIES

#### H. F. 739

AN ACT setting the salary rate for state officials and designated employees of the state.

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

1 SECTION 1. The salary rates specified in this Act shall be in effect  
 2 for the fiscal biennium commencing July 1, 1971 and ending June 30,  
 3 1973 and for each fiscal year indicated. Salaries provided for in this  
 4 Act shall be paid from funds appropriated to the department, agency,  
 5 office, division, commission, board, or other entity specified in this  
 6 Act, and pursuant to any Act of the general assembly making such  
 7 appropriation.

8 The following annual salary rates shall be paid to the person hold-  
 9 ing the position indicated from funds appropriated by the general  
 10 assembly for such purpose:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
13 1. Iowa aeronautics commission.		
14 Salary of the director of aeronautics not exceeding: .....		
15 .....	\$18,000.00	\$18,000.00
16 2. Commission on aging.		
17 Salary of executive secretary not exceeding: .....		
18 .....	\$11,500.00	\$11,500.00
19 3. Department of agriculture.		
20 Salary of secretary of agriculture: .....	\$18,500.00	\$18,500.00
21 4. Iowa commission on alcoholism.		
22 Salary of the director not exceeding: .....	\$12,000.00	\$12,000.00
23 5. Iowa state arts council.		
24 Salary of the director not exceeding: .....	\$15,500.00	\$15,500.00
25 6. Office of the attorney general.		
26 Salary of the attorney general: .....	\$22,500.00	\$22,500.00
27 7. Office of the auditor of state.		
28 Salary of the auditor of state: .....	\$18,500.00	\$18,500.00
29 8. Commission for the blind.		
30 Salary of the director not exceeding: .....	\$17,500.00	\$17,500.00
31 9. Office of state car dispatcher.		
32 Salary of the state car dispatcher: .....	\$10,500.00	\$10,500.00
33 10. Civil rights commission.		
34 Salary of the executive secretary not exceeding: .....		
35 .....	\$15,000.00	\$15,000.00

36	11. Iowa state commerce commission.		
37	Salary of the executive secretary not exceeding: .....		
38		\$13,500.00	\$13,500.00
39	Salary of each member of the Iowa state commerce commission not		
40	exceeding: .....	\$15,000.00	\$15,000.00
41	12. Office of the state comptroller.		
42	Salary of the state comptroller: .....	\$24,000.00	\$24,000.00
43	13. State conservation commission.		
44	Salary of the state conservation director: .....	\$18,000.00	\$18,000.00
45	14. Iowa development commission.		
46	Salary of the director not exceeding: .....	\$25,000.00	\$25,000.00
47	15. Iowa crime commission.		
48	Salary of the executive secretary not exceeding: .....		
49		\$16,500.00	\$16,500.00
50	16. District court judges.		
51	Salary for each district court judge: .....	\$21,500.00	\$21,500.00
52	17. Employment security commission.		
53	Salary of each commissioner: .....	\$14,500.00	\$14,500.00
54	18. Office of economic opportunity.		
55	Salary of the director not exceeding: .....	\$17,000.00	\$17,000.00
56	19. Committee on employment of the handicapped.		
57	Salary of the executive secretary not exceeding: .....		
58		\$13,250.00	\$13,250.00
59	20. Executive council.		
60	Salary of the secretary not exceeding: .....	\$15,000.00	\$15,000.00
61	21. State fair board.		
62	Salary of the secretary: .....	\$15,500.00	\$15,500.00
63	22. Office of the state geologist.		
64	Salary of the state geologist not exceeding: .....	\$21,500.00	\$21,500.00
65	23. Office of the governor.		
66	Salary of the governor: .....	\$35,000.00	\$35,000.00
67	Salary of the drug abuse director not exceeding: .....		
68		\$17,000.00	\$17,000.00
69	24. State department of health.		
70	Salary of the commissioner of health: .....	\$30,000.00	\$30,000.00
71	25. Higher education facilities commission.		
72	Salary of the executive director not exceeding: .....		
73		\$16,000.00	\$16,000.00
74	26. State highway commission.		
75	Salary of the director of highways not exceeding: .....		
76		\$28,500.00	\$28,500.00
77	The salary of each state highway commissioner not exceeding: .....		
78		\$ 8,500.00	\$ 8,500.00
79	27. State historical society.		
80	Salary of the director not exceeding: .....	\$12,500.00	\$12,500.00
81	28. Iowa state department of history and archives.		
82	Salary of the curator not exceeding: .....	\$13,000.00	\$13,000.00
83	29. Office of the Industrial commissioner.		
84	Salary of the industrial commissioner not exceeding: .....		
85		\$16,500.00	\$16,500.00
86	30. Insurance department of Iowa.		
87	Salary of the commissioner of insurance: .....	\$17,000.00	\$17,000.00
88	31. Bureau of labor.		

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89	Salary of labor commissioner: .....	\$13,500.00	\$13,500.00
90	32. Iowa law-enforcement academy.		
91	Salary of the director of the academy not exceeding: .....		
92	.....	\$18,000.00	\$18,000.00
93	33. Iowa state law library.		
94	Salary of state law librarian not exceeding: .....		
95	.....	\$11,500.00	\$11,500.00
96	34. Iowa state medical library.		
97	Salary of state medical librarian not exceeding: .....		
98	.....	\$11,500.00	\$11,500.00
99	35. Iowa state traveling library.		
100	Salary of the director not exceeding: .....	\$11,500.00	\$11,500.00
101	36. Iowa liquor control commission.		
102	Salary of each commissioner not exceeding: .....		
103	.....	\$12,500.00	\$12,500.00
104	37. Iowa merit employment commission.		
105	Salary of the director of merit employment not exceeding: .....		
106	.....	\$18,500.00	\$18,500.00
107	38. Department of mines and minerals.		
108	Salary of state mine inspector not exceeding: .....		
109	.....	\$ 9,500.00	\$ 9,500.00
110	39. Iowa natural resources council.		
111	Salary of the director not exceeding: .....	\$16,000.00	\$16,000.00
112	40. Board of parole.		
113	Salary of each member of parole board not exceeding: .....		
114	.....	\$ 9,500.00	\$ 9,500.00
115	41. Board of pharmacy examiners.		
116	Salary of the secretary not exceeding: .....	\$12,300.00	\$12,300.00
117	42. Office of planning and programming.		
118	Salary of the director not exceeding: .....	\$18,000.00	\$18,000.00
119	43. State printing board.		
120	Salary of the superintendent of printing not exceeding: .....		
121	.....	\$13,000.00	\$13,000.00
122	44. Department of public defense.		
123	Salary of the director of civil defense not exceeding: .....		
124	.....	\$11,500.00	\$11,500.00
125	45. Department of public safety.		
126	Salary of the commissioner of public safety not exceeding: .....		
127	.....	\$16,500.00	\$16,500.00
128	Salary of the chief of the Iowa highway safety patrol not exceeding,		
129	except as herein provided: .....	\$16,000.00	\$16,000.00
130	Salary of the director of the division of criminal investigation and		
131	bureau of identification not exceeding, except as herein provided: .....		
132	.....	\$14,300.00	\$14,300.00
133	The chief of the highway safety patrol and the director of the		
134	division of criminal investigation and bureau of identification shall		
135	be entitled to longevity pay in addition to the amounts specified for		
136	salary by this Act.		
137	46. Iowa real estate commission.		
138	Salary of the director: .....	\$13,750.00	\$13,750.00
139	47. Iowa reciprocity board.		
140	Salary of the executive secretary not exceeding: .....		
141	.....	\$14,500.00	\$14,500.00

142	48. Board of regents.		
143	Salary of the executive secretary not exceeding: .....		
144	.....	\$23,000.00	\$23,000.00
145	49. Department of revenue.		
146	Salary of the director of revenue not exceeding: .....		
147	.....	\$24,000.00	\$24,000.00
148	50. Office of the secretary of state.		
149	Salary of the secretary of state: .....	\$18,500.00	\$18,500.00
150	51. Department of social services.		
151	Salary of the commissioner of social services not exceeding: .....		
152	.....	\$25,000.00	\$25,000.00
153	52. Department of soil conservation.		
154	Salary of the director not exceeding: .....	\$14,750.00	\$15,000.00
155	53. Supreme court.		
156	Salaries of the supreme court judges: .....	\$25,000.00	\$25,000.00
157	Salaries of nine legal assistants each not exceeding: .....		
158	.....	\$ 7,500.00	\$ 7,500.00
159	Salary of the clerk of the supreme court not exceeding: .....		
160	.....	\$ 9,000.00	\$ 9,000.00
161	Salary of the code editor not exceeding: .....	\$14,000.00	\$14,000.00
162	Salary of the court administrator of the supreme court not ex-		
163	ceeding: .....	\$13,000.00	\$13,000.00
164	54. Office of the treasurer of state.		
165	Salary of the treasurer of state: .....	\$18,500.00	\$18,500.00
166	55. Educational radio and television facility board.		
167	Salary of the director not exceeding: .....	\$19,500.00	\$19,500.00
168	56. Department of banking.		
169	Salary of the superintendent of banking not exceeding: .....		
170	.....	\$24,500.00	\$24,500.00

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

Approved June 30, 1971.

### CHAPTER 3

#### TRUST FUNDS ALLOCATED

##### S. F. 552

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

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

1 SECTION 1. For the following commissions, boards, and depart-  
2 ments, there is appropriated all funds received under authority of the  
3 designated chapters or sections of the Code for each fiscal year of the  
4 biennium beginning July 1, 1971 and ending June 30, 1973. The fol-  
5 lowing amounts, or so much thereof as may be necessary, are author-  
6 ized to be expended from said receipts to be used for the following  
7 purposes:

8 9	1971-72 Fiscal Year	1972-73 Fiscal Year
10 1. BOARD OF ACCOUNTANCY—chapter one hundred sixteen (116)		
11 of the Code.		
12 For salaries, support, maintenance, equipment, and miscellaneous		
13 purposes: .....	\$ 40,870.00	\$ 42,620.00
14 2. BOARD OF ARCHITECTURAL EXAMINERS—chapter one hundred		
15 eighteen (118) of the Code.		
16 For salaries, support, maintenance, equipment, and miscellaneous		
17 purposes: .....	\$ 16,630.00	\$ 17,320.00
18 3. DEPARTMENT OF BANKING—chapter five hundred twenty-four		
19 (524) of the Code.		
20 For salaries, support, maintenance, equipment, and miscellaneous		
21 purposes: .....	\$1,163,470.00	\$1,198,800.00
22 4. STATE BOARD OF ENGINEERING EXAMINERS—chapter one hundred		
23 fourteen (114) of the Code.		
24 For salaries, support, maintenance, equipment, and miscellaneous		
25 purposes: .....	\$ 48,850.00	\$ 49,760.00
26 5. BOARD OF EXAMINERS IN WATCHMAKING—chapter one hundred		
27 twenty (120) of the Code.		
28 For salaries, support, maintenance, equipment, and miscellaneous		
29 purposes: .....	\$ 6,495.00	\$ 6,455.00

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

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

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

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The commissions, boards and departments to which  
7 this appropriation is made may make application to the appropriation  
8 committee for the reappropriation of any funds that do revert, or  
9 probably will revert upon the dates herein set and the respective  
10 appropriation committee or a subcommittee thereof shall hold a hear-  
11 ing upon such application while the general assembly is in regular ses-  
12 sion. In all other respects the provisions of section eight point thirty-  
13 three (8.33) of the Code shall apply to appropriations made for the  
14 first fiscal year of the biennium. Unencumbered or unobligated bal-  
15 ances of appropriations made for the second fiscal year of such bien-

16 nium shall be subject to section eight point thirty-three (8.33) of the  
17 Code.

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

Approved June 14, 1971.

CHAPTER 4

SUPREME COURT AND DISTRICT COURT

S. F. 579

AN ACT making an appropriation to the supreme court and district courts.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the Iowa supreme court and Iowa district courts for each fis-  
3 cal year of the biennium commencing July 1, 1971 and ending June 30,  
4 1973, the following amounts, or so much thereof as may be necessary,  
5 to be used in the manner designated:

	1971-72 Fiscal Year	1972-73 Fiscal Year
6		
7		
8 1. DISTRICT COURTS		
9 a. For the salaries of the judges of the district courts of Iowa, and		
10 a state contribution to the judicial retirement system provided for in		
11 chapter six hundred five A (605A) of the Code, in the amount of		
12 three percent of such salaries and an additional contribution of fifty-		
13 nine thousand (59,000) dollars for each year of the biennium: .....		
14	\$1,794,103.00	\$1,797,448.00
15 b. For expenses of judges in and out of districts, including those		
16 designated by order of the chief justice to attend judicial conferences,		
17 seminars or training sessions: .....		
	\$ 100,000.00	\$ 100,000.00
18	Total: .....	\$1,894,103.00 \$1,897,448.00
19 2. SUPREME COURT		
20 a. For salaries of judges of the supreme court of Iowa and a state		
21 contribution to the judicial retirement system provided for in chap-		
22 ter six hundred five A (605A) of the Code in the amount of three per-		
23 cent of such salaries and an additional state contribution of forty-six		
24 thousand six hundred (46,600) dollars for each year of the biennium,		
25 and for other salaries, support, maintenance and miscellaneous pur-		
26 poses, including one thousand (1,000) dollars for the cost of judicial		
27 conferences as provided in section six hundred eighty-four point twenty		
28 (684.20) of the Code, pursuant to the provisions of section six		
29 hundred one point one hundred thirty-four (601.134) of the Code: ....		
30	\$ 453,750.00	\$ 453,260.00
31 b. For rules of procedure: .....		
	\$ 250.00	\$ 250.00
32	Total: .....	\$ 454,000.00 \$ 453,510.00

1 SEC. 2. All federal grants to and the federal receipts of the courts  
2 receiving funds under this Act are appropriated for the purpose set  
3 forth in the federal grants or receipts.

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The courts receiving funds under this Act may make  
7 application to the committees on appropriations for the reappropria-  
8 tion of any funds that do revert, or probably will revert upon the  
9 dates herein set and the respective committees on appropriations or  
10 a subcommittee thereof shall hold a hearing upon the application while  
11 the general assembly is in regular session. In all other respects the  
12 provisions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such bienni-  
14 um. Unencumbered or unobligated balances of appropriations made  
15 for the second fiscal year of such biennium shall be subject to section  
16 eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 5

### CAPITOL BUILDINGS AND GROUNDS APPROPRIATION

S. F. 545

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

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state of Iowa for the biennium beginning July 1, 1971, and ending  
3 June 30, 1973, to the superintendent of public buildings and grounds  
4 the sum of nine hundred thousand (900,000) dollars, or so much  
5 thereof as may be necessary, to be used for major repairs to the physi-  
6 cal plant and facilities located at the seat of government, automatic  
7 elevators at valley bank building, and new service and rewiring of  
8 the capitol building and to supplement any prior appropriations for  
9 capital improvement items.

1 SEC. 2. Before any of the funds appropriated by this Act shall be  
2 expended it shall be determined by the superintendent of buildings  
3 and grounds, with the approval of the executive council, that the ex-  
4 penditure shall be for the best interest of the state.

1 \*[SEC. 3. Plans and specifications for improvements for which  
2 funds are appropriated by this Act shall be submitted by the superin-  
3 tendent of buildings and grounds to the budget and financial control  
4 committee, except that items commonly known as change orders need  
5 not be submitted to the budget and financial control committee unless

6 such change orders actually increase the total cost of that particular  
7 project.]

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

\*Approved June 19, 1971 except for Item 3 designated as Section  
3 herein which is hereby disapproved.

S/ROBERT D. RAY, *Governor*

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## CHAPTER 6

### BROADLAWNS POLK COUNTY HOSPITAL

S. F. 581

AN ACT to make an appropriation from the general fund of the state to the executive council for a training facility for family practitioners at Broadlawns Polk County Hospital.

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

1 SECTION 1. Notwithstanding the provisions of section three point  
2 fourteen (3.14) of the Code, there is appropriated from the general  
3 fund of the state to the executive council effective July 1, 1971, the  
4 sum of one hundred seventy-five thousand (175,000.00) dollars, to be  
5 paid by the executive council to Broadlawns Polk County Hospital,  
6 Des Moines, Iowa, to be used for the development of final plans, spec-  
7 ifications, construction, and equipping of a model family practice  
8 clinic unit and necessary supporting services. The appropriation shall  
9 be contingent upon Broadlawns Polk County Hospital obtaining at  
10 least an additional one hundred fifty thousand dollars to be provided  
11 from other than state funds.

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

Approved June 30, 1971.

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## CHAPTER 7

### CAR DISPATCHER

S. F. 559

AN ACT to appropriate and authorize expenditures from the car dispatcher revolving fund.

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

1 SECTION 1. There is appropriated, and the state car dispatcher is  
2 authorized to expend, from the car dispatcher revolving fund estab-  
3 lished under section twenty-one point six (21.6) of the Code, for each  
4 fiscal year of the biennium commencing July 1, 1971 and ending June  
5 30, 1973, the following amounts, or so much thereof as may be neces-  
6 sary, to be used in the manner designated:



	1971-72 Fiscal Year	1972-73 Fiscal Year
7		
8		
9		
10		
	\$109,800.00	\$116,800.00

1 SEC. 2. The remainder of the fund is appropriated for the pur-  
 2 chase of gasoline, oil, tires, repairs and all other maintenance ex-  
 3 penses incurred in the operation of state owned motor vehicles and  
 4 contingencies arising during the biennium which are legally payable  
 5 from this fund. For the purpose of this Act a necessity of additional  
 6 operating funds under section one (1) of this Act may be construed  
 7 as a contingency.

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The state car dispatcher may make application to the  
 7 committees on appropriations for the reappropriation of any funds  
 8 that do revert, or probably will revert upon the dates herein set and  
 9 the respective committees on appropriations or a subcommittee there-  
 10 of shall hold a hearing upon the application while the general assembly  
 11 is in regular session. In all other respects the provisions of section  
 12 eight point thirty-three (8.33) of the Code shall apply to appropria-  
 13 tions made for the first fiscal year of such biennium. Unencumbered  
 14 or unobligated balances of appropriations made for the second fiscal  
 15 year of such biennium shall be subject to section eight point thirty-  
 16 three (8.33) of the Code.

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

Approved June 19, 1971.

CHAPTER 8

CAPITOL PLANNING APPROPRIATION

S. F. 526

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 appropriated from the general fund of the  
 2 state to the following named persons the amounts set opposite their  
 3 respective names in full settlement of all per diem claims they may  
 4 have against the state for services rendered through February 10,

5	1971 as appointive members of the capitol planning commission in	
6	accordance with chapter eighteen A (18A) of the Code:	
7	Hugh H. Clarke .....	\$ 80.00
8	William E. Darrington .....	240.00
9	Amos Emery .....	400.00
10	Fred B. Hanson .....	160.00
11	Charles Mogged .....	200.00
12	Mrs. Maurice Noun .....	240.00
13	William J. Wagner .....	240.00

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

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

Approved May 20, 1971.

## CHAPTER 9

### AERONAUTICS COMMISSION

H. F. 693

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

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

1 SECTION 1. For the Iowa aeronautics commission, there is appro-  
2 priated all funds received in the state aviation fund under authority  
3 of chapter three hundred twenty-eight (328) of the Code, for each  
4 fiscal year of the biennium, beginning July 1, 1971 and ending June  
5 30, 1973. The following amounts, or so much thereof as may be neces-  
6 sary, are authorized to be expended from said receipts to be used for  
7 the following purposes, to wit:

8		1971-72	1972-73
9		<u>Fiscal Year</u>	<u>Fiscal Year</u>
10	AERONAUTICS COMMISSION, IOWA		
11	For salaries, support, maintenance, equipment and miscellaneous		
12	purposes: .....	\$231,791.00	\$235,967.00

1 SEC. 2. The remainder of the state aviation fund is appropriated  
2 for contingencies arising during the biennium which are legally pay-  
3 able from the fund and for aeronautical purposes authorized by sec-  
4 tion three hundred twenty-eight point twelve (328.12) of the Code.

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

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

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

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year  
4 of the biennium commencing July 1, 1971 shall, on September 30,  
5 1972, revert to the state treasury and to the credit of the fund from  
6 which appropriated. The Iowa aeronautics commission may make  
7 application to the committees on appropriations for the reappropriation  
8 of any funds that do revert, or probably will revert upon the  
9 dates herein set and the respective committees on appropriations or  
10 a subcommittee thereof shall hold a hearing upon the application  
11 while the general assembly is in regular session. In all other respects  
12 the provisions of section eight point thirty-three (8.33) of the Code  
13 shall apply to appropriations made for the first fiscal year of such  
14 biennium. Unencumbered or unobligated balances of appropriations  
15 made for the second fiscal year of such biennium shall be subject to  
16 section eight point thirty-three (8.33) of the Code.

1 SEC. 6. All federal grants to and the federal receipts of the aero-  
2 nautics commission are appropriated for the purpose set forth in the  
3 federal grants or receipts.

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

Approved June 30, 1971.

## CHAPTER 10

### AGRICULTURE DEPARTMENT

#### H. F. 728

AN ACT to appropriate from the general fund of the state of Iowa to the department of agriculture and its various divisions.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for each year of the biennium beginning July 1, 1971 and ending  
3 June 30, 1973, for the department of agriculture and its divisions,  
4 the following amounts, or so much thereof as may be necessary, to  
5 be used for the following purposes:

	1971-72 Fiscal Year	1972-73 Fiscal Year
6		
7		
8	1. General administration.	
9	Main office, plant pest control, sheep promotion, crop pest control,	
10	egg inspection, poultry association—short courses and achievement	
11	shows, vegetable growers association, weather bureau, dairy specialists	
12	and bacteriologists, entomology, hatchery inspection, restaurant and	
13	hotel inspection, disposal of dead animals, and motor fuel chemists:	
14	For salaries, support, maintenance, and miscellaneous purposes: ---	
15	\$ 954,664.00	\$ 980,936.00
16	2. Animal health and veterinary.	
17	For salaries, support, maintenance, and miscellaneous purposes; for	

18	control or eradication of contagious and infectious livestock diseases,		
19	including a brucellosis program; indemnities; and assistant state vet-		
20	erinarians' per diem and expenses: .....	\$ 378,691.00	\$ 386,720.00
21	For payment of indemnities for hogs destroyed under the hog chol-		
22	era eradication program in accordance with chapter one hundred		
23	sixty-six B (166B) of the Code: .....	\$ 100,000.00	\$ 100,000.00
24	Total for animal health and veterinary:.....		
25	.....	\$ 478,691.00	\$ 486,720.00
26	3. Agriculture statistics.		
27	For salaries, support, maintenance, and miscellaneous purposes:		
28	.....	\$ 58,600.00	\$ 58,600.00
29	4. Bee inspection.		
30	For salaries, support, maintenance, and miscellaneous purposes:		
31	.....	\$ 21,033.00	\$ 21,490.00
32	5. Market news poultry.		
33	For support, maintenance, and miscellaneous purposes: .....		
34	.....	\$ 4,600.00	\$ 4,600.00
35	6. Moisture measuring inspection.		
36	For salaries, support, maintenance, and miscellaneous purposes:		
37	.....	\$ 34,282.00	\$ 33,686.00
38	7. Meat and poultry inspection.		
39	For salaries, support, maintenance, and miscellaneous purposes:		
40	.....	\$ 400,000.00	\$ 400,000.00
41	8. State horticulture society.		
42	For support, maintenance, and for the purposes and objects for		
43	which the association exists: .....	\$ 16,500.00	\$ 16,500.00
44	9. Agriculture marketing division.		
45	For salaries, support, maintenance, and miscellaneous purposes:		
46	.....	\$ 105,204.00	\$ 108,796.00
47	10. Chemical technology review board.		
48	Chapter two hundred six A (206A) of the Code:		
49	For support, maintenance, equipment, and miscellaneous purposes:		
50	.....	\$ 10,000.00	\$ 10,000.00
51	Grand total of all divisions of department of agriculture: .....		
52	.....	\$ 2,083,574.00	\$ 2,121,328.00

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

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of the  
 4 biennium commencing July 1, 1971 shall, on September 30, 1972, re-  
 5 vert to the state treasury and to the credit of the fund from which  
 6 appropriated. The department of agriculture may make application  
 7 to the committees on appropriations for the reappropriation of any  
 8 funds that do revert, or probably will revert upon the dates herein  
 9 set and the respective committees on appropriations or a subcommittee  
 10 thereof shall hold a hearing upon the application while the general

11 assembly is in regular session. In all other respects the provisions  
 12 of section eight point thirty-three (8.33) of the Code shall apply to  
 13 appropriations made for the first fiscal year of such biennium. Un-  
 14 encumbered or unobligated balances of appropriations made for the  
 15 second fiscal year of such biennium shall be subject to section eight  
 16 point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 11

### AGRICULTURE APPROPRIATIONS

#### H. F. 700

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

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

1 SECTION 1. For the designated commissions, boards and depart-  
 2 ments, there is hereby appropriated all funds received under au-  
 3 thority of the designated chapters or sections of the Code for the  
 4 biennium beginning July 1, 1971 and ending June 30, 1973. The  
 5 following amounts, or so much thereof as may be necessary, are au-  
 6 thorized to be expended from said receipts to be used for the follow-  
 7 ing purposes, to wit:

8	1971-72	1972-73
9	<u>Fiscal Year</u>	<u>Fiscal Year</u>

10 1. Department of agriculture—commercial feed fund—chapter one  
 11 hundred ninety-eight (198) of the Code:

12 For salaries, support, maintenance, equipment and miscellaneous 13 purposes: .....	\$ 319,831.00	\$ 333,191.00
--	---------------	---------------

14 2. Department of agriculture—hotel and restaurant fund—chapter  
 15 one hundred seventy (170) of the Code:

16 For salaries, support, maintenance, equipment and miscellaneous 17 purposes: .....	\$ 140,680.00	\$ 142,880.00
--	---------------	---------------

18 3. Department of agriculture—state board of veterinary examiners  
 19 fund—chapter one hundred sixty-nine (169) of the Code:

20 For salaries, support, maintenance, equipment and miscellaneous 21 purposes: .....	\$ 4,500.00	\$ 4,500.00
--	-------------	-------------

22 4. Department of agriculture—pesticide fund—chapter two hun-  
 23 dred six (206) of the Code:

24 For salaries, support, maintenance, equipment and miscellaneous 25 purposes: .....	\$ 37,900.00	\$ 39,300.00
--	--------------	--------------

26 5. Department of agriculture—fertilizer fund—chapter two hun-  
 27 dred (200) of the Code:

28 For salaries, support, maintenance, equipment and miscellaneous 29 purposes: .....	\$ 261,360.00	\$ 269,635.00
--	---------------	---------------

30 6. Department of agriculture—dairy trade practice fund—chapter  
 31 one hundred ninety-two A (192A) of the Code:

32 For salaries, support, maintenance, equipment and miscellaneous  
 33 purposes: .....\$ 58,450.00 \$ 59,000.00  
 34 7. Iowa dairy industry commission—dairy industry fund—chapter  
 35 one hundred seventy-nine (179) of the Code:  
 36 For salaries, support, maintenance, equipment and miscellaneous  
 37 purposes: .....\$ 290,000.00 \$ 288,500.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The department of agriculture and Iowa dairy indus-  
 7 try commission may make application to the committees on appropri-  
 8 ations for the reappropriation of any funds that do revert, or probably  
 9 will revert upon the dates herein set and the respective committees  
 10 on appropriations or a subcommittee thereof shall hold a hearing upon  
 11 the application while the general assembly is in regular session. In  
 12 all other respects the provisions of section eight point thirty-three  
 13 (8.33) of the Code shall apply to appropriations made for the first  
 14 fiscal year of such biennium. Unencumbered or unobligated balances  
 15 of appropriations made for the second fiscal year of such biennium  
 16 shall be subject to section eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

CHAPTER 12

SOIL CONSERVATION APPROPRIATION

H. F. 701

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for each fiscal year of the biennium beginning July 1, 1971  
 3 and ending June 30, 1973, for the department of soil conservation,  
 4 the following amounts, or so much thereof as may be necessary, to be  
 5 used for the following purposes:

6	1971-72	1972-73
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 DEPARTMENT OF SOIL CONSERVATION		
9 1. General office.		
10 For salaries, support, maintenance and miscellaneous purposes. ....		
11 .....	\$ 87,960.00	\$ 91,414.00
12 2. Soil Conservation Committee.		
13 a. To carry on soil conservation work in soil conservation districts		
14 organized under the soil conservation districts laws of the state of		

15	Iowa; for aid to soil conservation districts for district commissioners'		
16	expenses, stationery, postage and other uses as they may be author-		
17	ized by the state soil conservation committee, to be allocated on a		
18	needs basis. ....	\$ 75,000.00	\$ 75,000.00
19	b. For personnel, technicians and clerical salaries and their neces-		
20	sary expenses including office rental, equipment and materials to be		
21	assigned to the soil conservation districts by the soil conservation		
22	committee on a need basis. ....	\$ 769,940.00	\$ 792,600.00
23	c. For participation in and conjunction with the federal govern-		
24	ment or any of its agencies in joint operations of watershed planning		
25	and development within the state of Iowa. ....		
26	.....	\$ 55,000.00	\$ 60,000.00
27	d. For use and expenditures in participation and conjunction with		
28	the soil conservation service, United States department of agriculture,		
29	and state agencies in joint operations in conducting soil surveys on		
30	lands within the state of Iowa. ....	\$ 125,000.00	\$ 125,000.00
31	e. For use and expenditure by the state soil conservation commit-		
32	tee and the department of soil conservation, in discharging their		
33	duties under House File 73, Acts of the Sixty-fourth General Assem-		
34	bly, First Session. ....	\$ 38,612.00	\$ 57,082.00
35	Grand total .....	<u>\$ 1,151,512.00</u>	<u>\$ 1,201,096.00</u>

1 SEC. 2. All federal grants to and the federal receipts of these  
2 departments and their divisions are appropriated for the purpose set  
3 forth in such federal grants or receipts.

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year  
4 of the biennium commencing July 1, 1971 shall, on September 30,  
5 1972, revert to the state treasury and to the credit of the fund from  
6 which appropriated. The department of soil conservation may make  
7 application to the committees on appropriations for the reappropria-  
8 tion of any funds that do revert, or probably will revert upon the  
9 dates herein set and the respective committees on appropriations or  
10 a subcommittee thereof shall hold a hearing upon the application while  
11 the general assembly is in regular session. In all other respects the  
12 provisions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such bien-  
14 nium. Unencumbered or unobligated balances of appropriations made  
15 for the second fiscal year of such biennium shall be subject to section  
16 eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

CHAPTER 13

SEWAGE TREATMENT PROJECTS

H. F. 710

AN ACT relating to sewage treatment projects and to appropriate from the general fund of the state for the sewage works construction fund.

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

1 SECTION 1. There is appropriated from the general fund of the
2 state for the biennium beginning July 1, 1971 and ending June 30,
3 1973, for the sewage works construction fund under section four hun-
4 dred fifty-five C point one (455C.1) of the Code, the following
5 amounts, or so much thereof as may be necessary, to be used for the
6 following purposes, to wit:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
1. For matching federal funds which are available for eligible proj- ects under chapter four hundred fifty-five C (455C) of the Code. ....	\$ 6,000,000.00	\$ 6,000,000.00
2. For the state's twenty-five percent of the eligible cost of eligible projects as defined under section four hundred fifty-five C point one (455C.1), subsection four (4) of the Code, attributable to the period July 1, 1966 through June 30, 1969. ....	\$ 1,500,000.00	\$ 1,500,000.00
Total .....	\$ 7,500,000.00	\$ 7,500,000.00

1 SEC. 2. Notwithstanding the provisions of section eight point
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-
3 ances of appropriations made by this Act for the first fiscal year of
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,
5 revert to the state treasury and to the credit of the fund from which
6 appropriated. In all other respects the provisions of section eight
7 point thirty-three (8.33) of the Code shall apply to appropriations
8 made for the first fiscal year of such biennium. Unencumbered or
9 unobligated balances of appropriations made for the second fiscal year
10 of such biennium shall be subject to section eight point thirty-three
11 (8.33) of the Code.

1 SEC. 3. Section four hundred fifty-five C point four (455C.4), Code
2 1971, is amended by adding the following new subsection:

3 "However, for those sewage treatment projects placed under con-
4 struction between July 1, 1966, and June 30, 1969, and for which not
5 more than thirty-three percent federal funding is or has been avail-
6 able, the commission shall, in the name of the state, enter into con-
7 tracts for state grant funds, not to exceed twenty-five percent of the
8 total eligible costs of this project. The payment of such grants shall
9 be made from those funds appropriated under this chapter, not neces-
10 sary for current projects. The commission shall establish the proce-
11 dure for the payment of the twenty-five percent, which need not be
12 fully paid in any one year, but which shall provide that each eligible
13 project must be funded on a pro rata basis each year."



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

Approved June 30, 1971.

CHAPTER 14  
APPROPRIATIONS

S. F. 553

AN ACT making appropriations to certain state agencies and divisions thereof.

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

1 SECTION 1. For the following state agencies there is appropriated  
2 from the general fund of the state for each fiscal year of the biennium  
3 commencing July 1, 1971 and ending June 30, 1973, the following  
4 amounts, or so much thereof as is necessary to be used in the manner  
5 designated:

	<u>1971-72</u> Fiscal Year	<u>1972-73</u> Fiscal Year
8 1. GEOLOGICAL SURVEY		
9 a. General office		
10 For salaries, support, maintenance and miscellaneous purposes:		
11 -----	\$429,172.00	\$390,996.00
12 b. Stream gauging		
13 For support, maintenance and miscellaneous purposes:		
14 -----	57,000.00	57,000.00
15 Total -----	\$486,172.00	\$447,996.00
16 2. NATURAL RESOURCES COUNCIL, IOWA		
17 For salaries, support, maintenance and miscellaenous purposes: ...		
18 -----	\$243,089.00	\$250,056.00
19 3. MINES AND MINERALS, DEPARTMENT OF		
20 a. State mining board		
21 For per diem, support, maintenance, travel and miscellaneous pur-		
22 poses, including one thousand (1,000) dollars for each year of the		
23 biennium for the Hull mines restoration program:		
24 -----	\$ 3,500.00	\$ 3,500.00
25 b. State mine inspector		
26 For salaries, support, maintenance and miscellaneous purposes:		
27 -----	34,538.00	35,477.00
28 Total -----	\$ 38,038.00	\$ 38,977.00

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

1 SEC. 3. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The state agencies to which this appropriation is  
7 made may make application to the appropriation committee for the

8 reappropriation of any funds that do revert, or probably will revert  
 9 upon the dates herein set and the respective appropriation commit-  
 10 tee or a subcommittee thereof shall hold a hearing upon such applica-  
 11 tion while the general assembly is in regular session. In all other  
 12 respects the provisions of section eight point thirty-three (8.33) of  
 13 the Code shall apply to appropriations made for the first fiscal year  
 14 of such biennium. Unencumbered or unobligated balances of appro-  
 15 priations made for the second fiscal year of such biennium shall be  
 16 subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 4. All federal grants to and the federal receipts of the agen-  
 2 cies receiving funds under this Act are appropriated for the purpose  
 3 set forth in the federal grants or receipts.

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

Approved June 14, 1971.

## CHAPTER 15

### COMMERCE COMMISSION

S. F. 558

AN ACT making an appropriation from the general fund of the state to the Iowa state commerce commission and its divisions, and providing for the assessment of expenses incurred by the commission.

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

1	SECTION 1. There is appropriated from the general fund of the		
2	state for the Iowa state commerce commission and its divisions for		
3	the biennium beginning July 1, 1971 and ending June 30, 1973, the		
4	following amounts, or so much thereof as may be necessary, to be used		
5	in the manner designated:		
6		1971-72	1972-73
7		Fiscal Year	Fiscal Year
8	1. GENERAL ADMINISTRATION		
9	For salaries, support, maintenance and miscellaneous purposes:		
10	-----	\$ 220,135.00	\$ 224,911.00
11	2. MOTOR TRANSPORTATION DIVISION		
12	For salaries, support, maintenance and miscellaneous purposes:		
13	-----	\$ 47,035.00	\$ 37,418.00
14	3. WAREHOUSE DIVISION		
15	For salaries, support, maintenance and miscellaneous purposes:		
16	-----	\$ 128,997.00	\$ 132,701.00
17	4. UTILITIES DIVISION		
18	For salaries, support, maintenance and miscellaneous purposes:		
19	-----	\$ 650,750.00	\$ 719,250.00
20	Grand total of all appropriations for each fiscal year of the bien-		
21	niium of the Iowa state commerce commission:		
22	-----	<u>\$1,046,917.00</u>	<u>\$1,114,280.00</u>

1 SEC. 2. Section four hundred ninety A point ten (490A.10), un-  
2 numbered paragraph two (2), Code 1971, is amended as follows:

3 The commission shall annually, within ninety days after the close of  
4 each fiscal year, ascertain the total of its expenditures during each  
5 year[, excluding the total sum necessary to pay the salaries of the com-  
6 missioners but including all other expenses] which are reasonably  
7 attributable to the performance of its duties under this chapter and  
8 shall deduct therefrom all amounts chargeable directly to any specific  
9 utility under any law. The remainder shall be assessed by the com-  
10 mission to the several public utilities in proportion to their respective  
11 gross operating revenues during the last calendar year derived from  
12 intrastate public utility operations. The total amount which may be  
13 assessed to the public utilities under authority of this paragraph shall  
14 not exceed one-tenth of one percent of the total gross operating rev-  
15 enues of such public utilities during such calendar year derived from  
16 intrastate public utility operations. For public utilities exempted from  
17 rate regulation under this chapter, the assessments under this para-  
18 graph shall be computed at one-half the rate used in computing the  
19 assessment for other utilities.

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

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

1 SEC. 5. When any provision of the laws of this state are in con-  
2 flict with this Act in designating certain funds to be used for certain  
3 purposes, the provisions of this Act shall govern for the biennium.

1 SEC. 6. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The Iowa state commerce commission may make ap-  
7 plication to the committees on appropriations for the reappropriation  
8 of any funds that do revert, or probably will revert upon the dates  
9 herein set and the respective committees on appropriations or a sub-  
10 committee thereof shall hold a hearing upon the application while  
11 the general assembly is in regular session. In all other respects the  
12 provisions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such biennium.  
14 Unencumbered or unobligated balances of appropriations made for  
15 the second fiscal year of such biennium shall be subject to section  
16 eight point thirty-three (8.33) of the Code.

Approved June 19, 1971.

## CHAPTER 16

## CONSERVATION COMMISSION

## H. F. 720

AN ACT to appropriate the fish and game protection fund for use by the state conservation commission.

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

1 SECTION 1. There is appropriated the state fish and game pro-  
2 tection fund for use by the state conservation commission for the  
3 biennium beginning July 1, 1971 and ending June 30, 1973. The fol-  
4 lowing amounts, or so much thereof as may be necessary, are au-  
5 thorized to be expended from said fund to be used for the following  
6 purposes, to wit:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18	\$3,721,220.00	\$3,828,110.00

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

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

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

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

1 SEC. 6. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The commission to which this appropriation is made  
7 may make application to the appropriation committees for the reap-

8 appropriation of any funds that do revert, or probably will revert upon  
 9 the dates herein set and the respective appropriation committees or  
 10 a subcommittee thereof shall hold a hearing upon such application  
 11 while the general assembly is in regular session. In all other re-  
 12 spects the provisions of section eight point thirty-three (8.33) of the  
 13 Code shall apply to appropriations made for the first fiscal year of  
 14 the biennium. Unencumbered or unobligated balances of appropria-  
 15 tions made for the second fiscal year of such biennium shall be sub-  
 16 ject to section eight point thirty-three (8.33) of the Code.

1 \* [SEC. 7. When the state conservation commission has approved  
 2 a capital improvement project to be financed from the state fish and  
 3 game protection fund, a description of the project and estimated cost  
 4 shall be reported to the budget and financial control committee for  
 5 approval. Upon approval by the budget and financial control com-  
 6 mittee, the project shall be reported to the governor and state comp-  
 7 troller for allocation of funds.]

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

\*Approved June 30, 1971, except Item 7, designated as Section 7  
 herein, which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

## CHAPTER 17

### CONSERVATION COMMISSION ADMINISTRATION

#### H. F. 721

AN ACT relating to the administration fund of the state conservation commission.

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

1 SECTION 1. The transfer of funds to the administration fund of  
 2 the state conservation commission in compliance with the provisions  
 3 of section one hundred seven point seventeen (107.17) of the Code  
 4 shall not exceed the following stated amounts for each year of the  
 5 biennium:

	1971-72 Fiscal Year	1972-73 Fiscal Year
8 From the state conservation fund: ..\$	658,950.00	\$ 664,400.00
9 From the state fish and game protection fund: .....		
10 .....	\$ 658,950.00	\$ 664,400.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of transfers or appropriations made by this Act for the first  
 4 fiscal year of the biennium commencing July 1, 1971 shall, on Septem-  
 5 ber 30, 1972 revert to the state treasury and to the credit of the fund  
 6 from which transferred or appropriated. The commission to which  
 7 this appropriation is made may make application to the appropriation  
 8 committees for the reappropriation of any funds that do revert, or  
 9 probably will revert upon the dates herein set and the respective  
 10 appropriation committees or a subcommittee thereof shall hold a  
 11 hearing upon such application while the general assembly is in regu-

12 lar session. In all other respects the provisions of section eight point  
 13 thirty-three (8.33) of the Code shall apply to appropriations made for  
 14 the first fiscal year of the biennium. Unencumbered or unobligated  
 15 balances of transfers or appropriations made for the second fiscal year  
 16 of such biennium shall be subject to section eight point thirty-three  
 17 (8.33) of the Code.

1 SEC. 3. All receipts and all refunds and reimbursements related to  
 2 activities funded by the administration fund are appropriated to the  
 3 administration fund.

1 SEC. 4. The functions of county conservation board activities,  
 2 planning and coordination, and the conservation education center  
 3 near Springbrook State Park shall be included within the division of  
 4 administration of the state conservation commission in addition to  
 5 the current functions.

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

Approved June 30, 1971.

CHAPTER 18

CONSERVATION COMMISSION

H. F. 722

AN ACT to appropriate from the general fund of the state of Iowa to the state con-  
 servation commission.

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

1 SECTION 1. There is appropriated from the general fund of the state  
 2 of Iowa to the state conservation commission for the biennium begin-  
 3 ning July 1, 1971 and ending June 30, 1973, the following amounts,  
 4 or so much thereof as may be necessary, to be deposited in the state  
 5 conservation fund and used for the following purposes, to wit:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 1. Division of lands and waters		
9 For salaries, support, maintenance and miscellaneous purposes of		
10 the division, maintenance of state parks, waters and forests, includ-		
11 ing not more than six hundred fifty-eight thousand nine hundred fifty		
12 (658,950) dollars for the fiscal year ending June 30, 1972 and not		
13 more than six hundred sixty-four thousand four hundred (664,400)		
14 dollars for the fiscal year ending June 30, 1973 which shall be avail-		
15 able for the administration fund in compliance with the provisions of		
16 section one hundred seven point seventeen (107.17) of the Code: .....		
17 .....	\$ 1,628,350.00	\$ 1,602,990.00
18 2. Prison labor program		
19 For salaries, support, maintenance and miscellaneous purposes for		
20 utilization of prison and training school inmates, including the state		
21 forest nursery: .....	\$ 135,618.00	\$ 137,785.00
22 3. State advisory board for preserves		
23 For salaries, support, maintenance and miscellaneous purposes for		
24 carrying out the duties of the board:....\$	20,790.00	\$ 19,074.00

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

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The commission to which this appropriation is made  
7 may make application to the appropriation committees for the reapprop-  
8 riation of any funds that do revert, or probably will revert upon  
9 the dates herein set and the respective appropriation committees or  
10 a subcommittee thereof shall hold a hearing upon such application  
11 while the general assembly is in regular session. In all other re-  
12 spects the provisions of section eight point thirty-three (8.33) of the  
13 Code shall apply to appropriations made for the first fiscal year of  
14 the biennium. Unencumbered or unobligated balances of appropria-  
15 tions made for the second fiscal year of such biennium shall be sub-  
16 ject to section eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 19

### CONSERVATION COMMISSION PROJECTS

#### H. F. 723

AN ACT to appropriate from the general fund of the state of Iowa to the state con-  
servation commission for carrying out specific projects.

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

1 SECTION 1. There is appropriated to the state conservation com-  
2 mission from the general fund of the state of Iowa for each year of  
3 the biennium beginning July 1, 1971 and ending June 30, 1973, the  
4 following amounts, or so much thereof as may be necessary, to be  
5 used for the following purposes:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8		
9		
10		
11		
12		
13	\$ 795,000.00	\$1,276,360.00

1 SEC. 2. The funds appropriated by section one (1) of this Act  
2 shall be expended upon the following specific projects and in the  
3 amount designated for those projects:

4	1. STATEWIDE PROJECTS:	
5	Watershed Erosion Control .....	\$ 75,000.00
6	Lakes, Rip-Rap .....	75,000.00
7	Tree Removal—Dutch Elm .....	40,000.00
8	Tree Planting .....	10,000.00
9	Total .....	<u>\$ 200,000.00</u>
10	2. INDIVIDUAL PROJECTS:	
11	Walters Creek Watershed—Adams .....	38,000.00
12	Three Mile Creek Watershed—Union .....	15,000.00
13	Red Rock—Marion .....	75,000.00
14	Rathbun—Appanoose .....	75,000.00
15	Brushy Creek—Webster .....	75,000.00
16	Volga River—Fayette .....	50,000.00
17	Big Creek—Polk .....	87,500.00
18	Lake Manawa—Pottawattamie .....	75,000.00
19	Lake Macbride—Johnson .....	75,000.00
20	Turkey River—Howard .....	100,000.00
21	Indian Bluffs—Jones .....	100,000.00
22	Pleasant Creek Reservoir—Linn .....	200,000.00
23	Preservation of Wild & Scenic Areas—Winn .....	150,000.00
24	Recreational Bikeways—Statewide .....	10,000.00
25	Cold Water Cave—Winneshek .....	58,000.00
26	McIntosh Woods .....	187,000.00
27	Total .....	<u>\$1,370,500.00</u>
28	3. IMPROVEMENT ON EXISTING AREAS:	
29	State Forests:	
30	State Forest Nursery—Story .....	20,000.00
31	Shimek—Lee .....	30,000.00
32	Yellow River—Allamakee .....	20,000.00
33	Stephens—Lucas .....	25,000.00
34	State Parks .....	361,360.00
35	Contingency .....	44,500.00
36	Total .....	<u>500,860.00</u>
37	Total capital appropriation for biennium.....	<u>\$2,071,360.00</u>

38 4. Any unobligated balance remaining after any of the specific proj-  
 39 ects included in this section are completed may be used to supplement  
 40 the amount available for any other project financed by this Act.

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

1 \* [SEC. 4. When the state conservation commission has approved  
 2 a project to be financed with funds appropriated by section one (1)  
 3 of this Act, a description of the project and estimated cost shall be  
 4 reported to the budget and financial control committee for approval.  
 5 Upon approval by the budget and financial control committee the proj-  
 6 ect shall be reported to the governor and state comptroller for allo-  
 7 cation of funds.]



1 SEC. 5. Any unencumbered balance of the funds appropriated by  
2 section one (1) of this Act remaining as of June 30, 1975 shall revert  
3 to the general fund of the state as of June 30, 1975.

1 SEC. 6. Of the amount credited to the primary road fund of the  
2 highway commission for state institutional and state park roads un-  
3 der section three hundred twelve point two (312.2), subsection five  
4 (5) of the Code, for the fiscal year beginning July 1, 1971 and end-  
5 ing June 30, 1972, the sum of seventy-five thousand (75,000) dollars,  
6 or so much thereof as may be necessary, shall be used for the con-  
7 struction of a multiple span bridge over the Little Sioux River in  
8 Wanata state park south of Peterson in Clay county. The work shall  
9 be accomplished under the direction of the state highway commission.

\*Approved June 30, 1971, except Item 4, designated as Section 4  
herein, which is hereby disapproved.

S/ROBERT D. RAY, *Governor*

## CHAPTER 20

### MARINE FUEL TAX APPROPRIATION

#### H. F. 719

AN ACT appropriating funds transferred to the marine fuel tax fund to the state  
conservation commission.

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

1 SECTION 1. Pursuant to section three hundred twenty-four point  
2 eighty-three (324.83) of the Code, there shall be transferred from  
3 the motor vehicle fuel tax fund to the marine fuel tax fund a portion  
4 of moneys collected under chapter three hundred twenty-four (324)  
5 of the Code which is attributable to motor fuel used in watercraft  
6 which portion shall be computed as follows:

7 1. Determine monthly the total amount of motor fuel tax collected  
8 under chapter three hundred twenty-four (324) of the Code and  
9 multiply such amount by nine-tenths of one percent.

10 2. Subtract from the figure computed pursuant to subsection one  
11 (1) of this section three percent of such figure for administrative  
12 costs and further subtract from such figure the amounts refunded  
13 to commercial fishermen pursuant to subsection fourteen (14) of sec-  
14 tion three hundred twenty-four point seventeen (324.17) of the Code.  
15 All moneys remaining after all claims for refund and the cost of ad-  
16 ministration have been made shall be transferred to the marine fuel  
17 tax fund.

18 There is appropriated from the marine fuel tax fund for each fiscal  
19 year of the biennium beginning July 1, 1971 and ending June 30,  
20 1973 to the state conservation commission, division of lands and wa-  
21 ters, such amounts of funds computed as provided in subsections one  
22 (1) and two (2) of this section, which funds shall be deposited in  
23 the state conservation fund for use in the state conservation commis-  
24 sion recreational boating program as provided in subsections one (1)  
25 through five (5) of section three hundred twenty-four point sev-  
26 enty-nine (324.79) of the Code.

27 From funds appropriated by this Act the following minimum

28 amounts shall be expended for the purposes provided in subsections  
 29 one (1) through five (5) of section three hundred twenty-four point  
 30 seventy-nine (324.79) of the Code, for the following enumerated  
 31 projects:

32	Walters Creek Watershed .....	\$ 19,000.00
33	Big Creek .....	\$ 87,500.00
34	Lake Manawa .....	\$ 75,000.00
35	Pleasant Creek .....	\$100,000.00

36 Funds in excess of the amounts herein provided may be expended  
 37 for the enumerated projects. Notwithstanding section two (2) of this  
 38 Act, the unencumbered or unobligated balances of the minimum  
 39 amounts for the projects enumerated and any other unencumbered or  
 40 unobligated balances of funds specifically allocated for such projects  
 41 shall not revert to the fund from which appropriated until June 30,  
 42 1975.

43 Not to exceed fifteen percent of the amount appropriated under  
 44 this section may be spent by the commission for repairs and improve-  
 45 ments in existing state parks in addition to any specific projects  
 46 set out in this section.

47 3. Funds appropriated by this Act for deposit in the state conser-  
 48 vation fund, which may be used for administrative purposes, shall  
 49 be subject to any limitation imposed in any other Act of the general  
 50 assembly upon the expenditure of funds for administrative purposes,  
 51 and the provisions of this Act shall not be construed as making avail-  
 52 able funds for administrative purposes which are in addition to any  
 53 limitation of funds for administrative purposes.

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The commission to which this appropriation is made  
 7 may make application to the appropriations committees for the re-  
 8 appropriation of any funds that do revert, or probably will revert  
 9 upon the dates herein set and the respective appropriations commit-  
 10 tees or a subcommittee thereof shall hold a hearing upon such appli-  
 11 cation while the general assembly is in regular session. In all other  
 12 respects the provisions of section eight point thirty-three (8.33) of  
 13 the Code shall apply to appropriations made for the first fiscal year  
 14 of such biennium. Unencumbered or unobligated balances of appro-  
 15 priations made for the second fiscal year of such biennium shall be  
 16 subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 3. All federal grants to and the federal receipts of the state  
 2 conservation commission, division of lands and waters, are appro-  
 3 priated for the purpose set forth in the federal grants or receipts.

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

Approved June 30, 1971.

## CHAPTER 21

## IOWA DEVELOPMENT COMMISSION

S. F. 578

AN ACT to make an appropriation to the Iowa development commission.

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

1 SECTION 1. There is appropriated from the general fund  
2 of the state to the Iowa development commission for each year of  
3 the biennium commencing July 1, 1971 and ending June 30, 1973, the  
4 following amounts, or so much thereof as may be necessary, to be  
5 used in the manner designated:

6	1971-72	1972-73
7	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance, agricultural products promo-		
9 tion and miscellaneous purposes: .....	\$ 1,048,631.00	\$ 1,113,434.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The Iowa development commission may make applica-  
7 tion to the committees on appropriations for the reapportionment of  
8 any funds that do revert, or probably will revert upon the dates here-  
9 in set and the respective committees on appropriations or a subcom-  
10 mittee thereof shall hold a hearing upon such application while the  
11 general assembly is in regular session. In all other respects the pro-  
12 visions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such biennium.  
14 Unencumbered or unobligated balances of appropriations made for  
15 the second fiscal year of such biennium shall be subject to section eight  
16 point thirty-three (8.33) of the Code.

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

1 SEC. 4. No funds appropriated by this Act shall be used for capi-  
2 tal improvements.

Approved June 30, 1971.

## CHAPTER 22

## STATE FAIR APPROPRIATION

S. F. 554

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

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for the Iowa state fair board for each fiscal year of the biennium  
3 beginning July 1, 1971 and ending June 30, 1973, the following amounts,

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

6	1971-72	1972-73
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	1. IOWA STATE FAIR BOARD	
9	For maintenance of buildings and grounds .....	
10	\$ 60,000.00	\$ 60,000.00
11	For premiums .....	\$ 10,000.00
12	2. AGRICULTURAL SOCIETIES (local fairs)	
13	For state aid .....	\$210,000.00
14	The appropriations for state aid to agricultural societies shall be	
15	deemed conditional on full compliance with all other statutes which	
16	regulate and prescribe the conditions under which such aid is payable.	
17	In no case shall any county receive more than two thousand one hun-	
18	dred (2,100) dollars, except that in a county where there are two	
19	definitely separate county extension offices, each such society shall	
20	receive state aid in such amount as it would be entitled to if it were	
21	the only society in the county. In counties having more than one fair	
22	entitled to state aid, the state aid available for the county shall be	
23	prorated to said fairs on the basis of cash premiums paid by said fairs.	
24	Total fair board .....	\$280,000.00

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

1 SEC. 3. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The board to which this appropriation is made may  
7 make application to the appropriation committee for the reappropria-  
8 tion of any funds that do revert, or probably will revert upon the  
9 dates herein set and the respective appropriation committee or a sub-  
10 committee thereof shall hold a hearing upon such application while  
11 the general assembly is in regular session. In all other respects the  
12 provisions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such biennium.  
14 Unencumbered or unobligated balances of appropriations made for  
15 the second fiscal year of such biennium shall be subject to section eight  
16 point thirty-three (8.33) of the Code.

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

Approved June 19, 1971.

CHAPTER 23

STATE FAIR APPROPRIATION

S. F. 561

AN ACT to appropriate from the general fund of the state to the Iowa state fair board for capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the Iowa state fair board for each fiscal year of the biennium  
 3 beginning July 1, 1971 and ending June 30, 1973, the following  
 4 amounts, or so much thereof as may be necessary, to be used as  
 5 follows:

	1971-72 Fiscal Year	1972-73 Fiscal Year
6 IOWA STATE FAIR BOARD		
7 For major repairs to buildings and grounds. ....		
8 .....	\$100,000.00	\$100,000.00

1 \**[SEC. 2. Plans and specifications for improvements for which*  
 2 *funds are appropriated by this Act shall be submitted by the state fair*  
 3 *board to the budget and financial control committee, except that items*  
 4 *commonly known as change orders need not be submitted to such*  
 5 *committee unless such change orders increase the total cost of that*  
 6 *particular project.]*

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The Iowa state fair board may make application to the  
 7 committees on appropriations for the reappropriation of any funds  
 8 that do revert, or probably will revert upon the dates herein set and  
 9 the respective committees on appropriations or a subcommittee there-  
 10 of shall hold a hearing upon the application while the general assembly  
 11 is in regular session. In all other respects the provisions of section  
 12 eight point thirty-three (8.33) of the Code shall apply to appropria-  
 13 tions made for the first fiscal year of such biennium. Unencumbered  
 14 or unobligated balances of appropriations made for the second fiscal  
 15 year of such biennium shall be subject to section eight point thirty-  
 16 three (8.33) of the Code.

\*Approved June 19, 1971 except Item 2 designated as Section 2 herein which is hereby disapproved.

S/ROBERT D. RAY, Governor

## CHAPTER 24

## HEALTH DEPARTMENT APPROPRIATIONS

H. F. 702

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

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

1	SECTION 1. For the following commissions, boards, and depart-		
2	ments, there is appropriated all funds received under authority of the		
3	designated chapters or sections of the Code, for the biennium begin-		
4	ning July 1, 1971 and ending June 30, 1973. The following amounts,		
5	or so much thereof as may be necessary, are authorized to be ex-		
6	pende from said receipts for each year of the biennium to be used		
7	for the following purposes, to wit:		
8		1971-72	1972-73
9		<u>Fiscal Year</u>	<u>Fiscal Year</u>
10	HEALTH, STATE DEPARTMENT OF		
11	1. Board of basic science examiners fund—chapter one hundred		
12	forty-six (146) of the Code:		
13	For support, maintenance, equipment and miscellaneous pur-		
14	poses .....	\$ 18,000.00	\$ 18,000.00
15	2. Board of funeral directing and embalming examiners fund—sec-		
16	tion one hundred forty-seven point one hundred one (147.101) of the		
17	Code:		
18	For support, maintenance, equipment and miscellaneous pur-		
19	poses .....	\$ 7,925.00	\$ 7,925.00
20	3. Board of dentistry fund—section one hundred fifty-three point		
21	four (153.4) of the Code:		
22	For salaries, support, maintenance, equipment and miscellaneous		
23	purposes .....	\$ 32,430.00	\$ 32,430.00
24	4. Operators certification fund—section one hundred thirty-six A		
25	point fourteen (136A.14) of the Code:		
26	For salaries, support, maintenance, equipment and miscellaneous		
27	purposes .....	\$ 6,050.00	\$ 6,680.00
28	5. State board of optometry examiners fund—section one hundred		
29	forty-seven point one hundred seventeen (147.117) of the Code:		
30	For salaries, support, maintenance, equipment and miscellaneous		
31	purposes .....	\$ 9,000.00	\$ 8,000.00
32	6. State board of medical examiners fund—section one hundred		
33	forty-seven point one hundred three (147.103) of the Code:		
34	For salaries, support, maintenance, equipment and miscellaneous		
35	purposes .....	\$ 69,110.00	\$ 71,230.00
36	7. Board of nurse examiners—nurses fund—section one hundred		
37	forty-seven point one hundred seven (147.107) of the Code:		
38	For salaries, support, maintenance, equipment and miscellaneous		
39	purposes .....	\$129,460.00	\$136,640.00
40	8. State board of physical therapy examiners fund—section one		
41	hundred forty-seven point one hundred fifteen (147.115) of the Code:		
42	For salaries, support, maintenance, equipment and miscellaneous		
43	purposes .....	\$ 2,350.00	\$ 2,350.00

1 SEC. 2. Any balance remaining in the funds for which appropria-  
2 tions are made by this Act at the end of the first fiscal year of the  
3 biennium shall carry forward to the second fiscal year of the biennium.

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

Approved June 14, 1971.

## CHAPTER 25

### HEALTH DEPARTMENT

#### H. F. 730

AN ACT making an appropriation from the general fund of the state for the state department of health and its divisions.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for the biennium beginning July 1, 1971 and ending June 30,  
3 1973, for the state department of health and its divisions the follow-  
4 ing amounts, or so much thereof as may be necessary, to be used in  
5 the manner designated:

	1971-72 Fiscal Year	1972-73 Fiscal Year
8 1. CENTRAL ADMINISTRATION		
9 For salaries, support, maintenance and miscellaneous purposes: ....		
10 -----	\$ 254,556.00	\$ 258,973.00
11 2. CHRONIC ILLNESS AND AGING SERVICE		
12 For salaries, support, maintenance and miscellaneous purposes: ....		
13 -----	\$ 33,320.00	\$ 35,550.00
14 3. HEALTH FACILITIES SERVICES		
15 For salaries, support, maintenance and miscellaneous purposes: ....		
16 -----	\$ 295,791.00	\$ 309,302.00
17 4. ENVIRONMENTAL ENGINEERING SERVICE (including the Iowa wa- 18 ter pollution control commission and the Iowa air pollution control 19 commission)		
20 For salaries, support, maintenance and miscellaneous purposes, 21 including the per diem of twenty-five dollars for members of the 22 Iowa air pollution control commission, except any member who is 23 otherwise in full-time employment by any public body: .....		
24 -----	\$ 594,250.00	\$ 601,280.00
25 5. PREVENTIVE MEDICAL SERVICE		
26 For salaries, support, maintenance and miscellaneous purposes: ....		
27 -----	\$ 162,350.00	\$ 168,440.00
28 6. RECORDS AND STATISTICAL DIVISION		
29 For salaries, support, maintenance and miscellaneous purposes: ....		
30 -----	\$ 210,983.00	\$ 217,912.00
31 7. BOARD OF EUGENICS		
32 For salaries, support, maintenance and miscellaneous purposes: ....		
33 -----	\$ 10,480.00	\$ 10,940.00
34 8. LICENSING AND CERTIFICATION DIVISION		
35 For salaries, support, maintenance and miscellaneous purposes 36 (including barber's, chiropractic, cosmetology, embalmer's, optome- 37 try, and podiatry examining boards) .....		
	\$ 154,870.00	\$ 159,370.00

38	9. GENERAL HEALTH SERVICES		
39	For salaries, support, maintenance and miscellaneous purposes: ....		
40	-----	\$ 93,510.00	\$ 98,610.00
41	10. COMMUNITY HEALTH SERVICES		
42	For salaries, support, maintenance and miscellaneous purposes: ....		
43	-----	\$ 197,057.00	\$ 200,314.00
44	11. COMPREHENSIVE HEALTH PLANNING		
45	For salaries, support, maintenance and miscellaneous purposes: ....		
46	-----	\$ 30,822.00	\$ 31,592.00
47	Grand total for all appropriations for the state department of		
48	health and its divisions for each fiscal year of the biennium as pro-		
49	vided in this section: -----	<u>\$2,037,989.00</u>	<u>\$2,092,283.00</u>

1 SEC. 2. All federal grants to and the federal receipts of the state  
2 department of health and its divisions, including the Iowa water pol-  
3 lution control commission and the Iowa air pollution control commis-  
4 sion, are appropriated for the purpose set forth in the federal grants  
5 or receipts.

1 SEC. 3. When any provisions of the laws of this state are in con-  
2 flict with this Act in designating certain fund accounts to be used  
3 for certain purposes, the provisions of this Act shall govern for the  
4 biennium.

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

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The state department of health may make application  
7 to the appropriation committees for the reappropriation of any funds  
8 that do revert, or probably will revert upon the dates herein set and  
9 the respective appropriation committees or a subcommittee thereof  
10 shall hold a hearing upon such application while the general assem-  
11 bly is in regular session. In all other respects the provisions of sec-  
12 tion eight point thirty-three (8.33) of the Code shall apply to appro-  
13 priations made for the first fiscal year of such biennium. Unencum-  
14 bered or unobligated balances of appropriations made for the second  
15 fiscal year of such biennium shall be subject to section eight point  
16 thirty-three (8.33) of the Code.

Approved June 30, 1971.

## CHAPTER 26

### COMMISSION ON AGING

#### H. F. 708

AN ACT making an appropriation to the commission on aging.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state of Iowa for the commission on aging for each fiscal year of the  
3 biennium commencing July 1, 1971 and ending June 30, 1973, the



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

6	1971-72	1972-73
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 For salaries, support, maintenance, and miscellaneous purposes: ....		
9 .....	\$26,320.00	\$26,320.00

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

1 SEC. 3. All federal grants to and the federal receipts of the agen-  
 2 cies receiving funds under this Act are appropriated for the purpose  
 3 set forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971 shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from  
 6 which appropriated. The commission on aging may make application  
 7 to the committees on appropriations for the reappropriation of any  
 8 funds that do revert, or probably will revert upon the dates herein  
 9 set and the respective committees on appropriations or a subcommittee  
 10 thereof shall hold a hearing upon the application while the general  
 11 assembly is in regular session. In all other respects the provisions  
 12 of section eight point thirty-three (8.33) of the Code shall apply to  
 13 appropriations made for the first fiscal year of such biennium. Unen-  
 14 cumbered or unobligated balances of appropriations made for the sec-  
 15 ond fiscal year of such biennium shall be subject to section eight point  
 16 thirty-three (8.33) of the Code.

Approved June 30, 1971.

CHAPTER 27  
 ALCOHOLISM COMMISSION  
 S. F. 544

AN ACT making an appropriation from the general fund of the state to the commission on alcoholism.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1971 and ending June 30,  
 3 1973, for the commission on alcoholism, the following amounts, or so  
 4 much thereof as may be necessary, to be used in the manner desig-  
 5 nated:

6	1971-72	1972-73
7	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 1. General Office		
9 For salaries, support, maintenance and miscellaneous purposes: ....		
10 .....	\$ 34,965.00	\$ 34,847.00

11 2. For purposes of carrying out the provisions of section one hun-  
 12 dred twenty-three A point eight (123A.8) and chapter one hundred  
 13 twenty-three B (123B), Code 1971, relating to the treatment of alco-

14 holism, subject to the approval of the governor: .....  
 15 .....\$500,000.00 \$500,000.00  
 16 \* [3. No part of the appropriation provided for the treatment of  
 17 alcoholism in subsection two (2) of this section shall be used for sal-  
 18 aries, support and maintenance of the commission on alcoholism, ex-  
 19 cluding individuals employed by local alcoholism or detoxification  
 20 units. No local alcoholism or detoxification facility shall be allocated  
 21 more than fifteen percent of the appropriation provided for the treat-  
 22 ment of alcoholism in subsection two (2) of this section.]

1 SEC. 2. All federal grants to and the federal receipts of the com-  
 2 mission on alcoholism are appropriated for the purpose set forth in  
 3 the federal grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or uobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The commission to which this appropriation is made  
 7 may make application to the appropriation committees for the reap-  
 8 propriation of any funds that revert on September 30, 1972 and the  
 9 respective appropriation committees or a subcommittee thereof shall  
 10 hold a hearing upon such application. In all other respects the pro-  
 11 visions of section eight point thirty-three (8.33) of the Code shall  
 12 apply to appropriations made for the first fiscal year of such biennium.  
 13 Unencumbered or unobligated balances of appropriations made for  
 14 the second fiscal year of such biennium shall be subject to section  
 15 eight point thirty-three (8.33) of the Code.

\*Approved July 1, 1971 except the item designated as Subsection 3  
 of Section 1 herein which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

CHAPTER 28

LIQUOR CONTROL COMMISSION

H. F. 736

AN ACT making an appropriation from the general fund of the state of Iowa to the Iowa liquor control commission for capital improvements.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1971 and ending June 30,  
 3 1973, to the Iowa liquor control commission the following amounts, or  
 4 so much thereof as may be necessary, to be used in the manner desig-  
 5 nated:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 For automatic dock boards and storage racks at the warehouse and		
9 for renovation of stores and equipment which includes converting to		
10 self-service stores: .....	\$160,000.00	\$150,000.00

1 SEC. 2. Before any of the funds appropriated by this Act shall be  
 2 expended, the Iowa liquor control commission with the approval of the  
 3 governor and the state comptroller shall determine that the expendi-  
 4 ture shall be in the best interests of the state.

1 SEC. 3. Any balance remaining in the funds for which appropria-  
 2 tions are made by this Act at the end of the first fiscal year of the  
 3 biennium shall carry forward to the second fiscal year of the biennium.  
 4 Any unencumbered or unobligated balances of appropriations made by  
 5 this Act shall, on June 30, 1973, revert to the state treasury and to  
 6 the credit of the fund from which appropriated.

Approved June 30, 1971.

CHAPTER 29  
 COMMISSION FOR THE BLIND  
 S. F. 570

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the Iowa commission for the blind for each year of the  
 3 biennium beginning July 1, 1971 and ending June 30, 1973, the fol-  
 4 lowing amounts, or so much thereof as may be necessary, to be used  
 5 for the following purposes:

	1971-72 Fiscal Year	1972-73 Fiscal Year
8 IOWA COMMISSION FOR THE BLIND		
9 For salaries, support, maintenance and miscellaneous purposes:		
10 .....	\$404,100.00	\$446,720.00
11 For the training and education of multiple handicapped blind chil-		
12 dren: .....	10,000.00	10,000.00
13 Total Iowa commission for the blind: ....	\$414,100.00	\$456,720.00

1 SEC. 2. All federal grants to and the federal receipts of the com-  
 2 mission are appropriated for the purpose set forth in such federal  
 3 grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971 shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from  
 6 which appropriated. The Iowa commission for the blind may make  
 7 application to the committees on appropriations for the reappropria-  
 8 tion of any funds that do revert, or probably will revert upon the  
 9 dates herein set and the respective committees on appropriations or a  
 10 subcommittee thereof shall hold a hearing upon such application while  
 11 the general assembly is in regular session. In all other respects the

12 provisions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such biennium.  
14 Unencumbered or unobligated balances of appropriations made for  
15 the second fiscal year of such biennium shall be subject to section  
16 eight point thirty-three (8.33) of the Code.

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

Approved June 19, 1971.

CHAPTER 30

HIGHWAY COMMISSION MERIT ADMINISTRATION

S. F. 569

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 administering the merit employment system.

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

1 SECTION 1. There is appropriated from the primary road fund to  
2 the state highway commission for each year of the biennium beginning  
3 July 1, 1971 and ending June 30, 1973, the following amounts, or so  
4 much thereof as may be necessary, to be used in the manner des-  
5 ignated:

6		1971-72	1972-73
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For the purpose of making payments to the Iowa merit employment		
9	department for expenses incurred in administering the merit system		
10	on behalf of the state highway commission, as required by chapter		
11	nineteen A (19A) of the Code: .....	\$ 80,000.00	\$ 80,000.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The state highway commission may make application to  
7 the committees on appropriations for the reappropriation of any funds  
8 that do revert, or probably will revert upon the dates herein set and  
9 the respective committees on appropriations or a subcommittee thereof  
10 shall hold a hearing upon such application while the general assembly  
11 is in regular session. In all other respects the provisions of section  
12 eight point thirty-three (8.33) of the Code shall apply to appropria-  
13 tions made for the first fiscal year of such biennium. Unencumbered  
14 or unobligated balances of appropriations made for the second fiscal  
15 year of such biennium shall be subject to section eight point thirty-  
16 three (8.33) of the Code.

Approved June 19, 1971.

**CHAPTER 31**  
**HIGHWAY COMMISSION**  
**S. F. 573**

AN ACT to appropriate from the primary road fund to the state highway commission, and relating to employees of the state highway commission under the state merit system.

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

1	SECTION 1. There is appropriated from the primary road fund to	
2	the state highway commission for the biennium beginning July 1, 1971	
3	and ending June 30, 1973, the following amounts, or so much thereof	
4	as may be necessary, to be used in the following manner:	
5	1971-72	1972-73
6	Fiscal Year	Fiscal Year
7	1. Administration:	
8	Salaries including longevity (28,138) : .....	
9	\$ 693,782.00	\$ 718,692.00
10	Support, maintenance and miscellaneous purposes: .....	
11	536,185.00	524,999.00
12	Total administration: .....\$ 1,229,967.00 \$ 1,243,691.00	
13	From the funds provided for administration the members of the	
14	state highway commission may incur actual local office expense not to	
15	exceed five hundred (500) dollars each, except the chairman whose	
16	expense total may not exceed seven hundred fifty (750) dollars.	
17	2. Finance and support services:	
18	Salaries including longevity (151,101) : .....	
19	\$ 2,527,992.00	\$ 2,619,961.00
20	Support, maintenance and miscellaneous purposes: .....	
21	1,559,725.00	1,651,105.00
22	Total support services: .....\$ 4,087,717.00 \$ 4,271,066.00	
23	3. Planning:	
24	Salaries including longevity (72,289) : .....	
25	\$ 1,983,919.00	\$ 2,052,040.00
26	Support, maintenance and miscellaneous purposes: .....	
27	578,275.00	573,265.00
28	Total planning: .....\$ 2,562,194.00 \$ 2,625,305.00	
29	4. Headquarters operation:	
30	Salaries including longevity (224,674) : .....	
31	\$ 2,452,483.00	\$ 2,528,291.00
32	Support, maintenance and miscellaneous purposes: .....	
33	399,000.00	380,450.00
34	Total headquarters operation: .....\$ 2,851,483.00 \$ 2,908,741.00	
35	Total administration, finance and support services, planning and	
36	headquarters operations: .....\$10,731,361.00 \$11,048,803.00	
37	5. Development:	
38	Salaries including longevity (346,415) : .....	
39	\$ 5,358,107.00	\$ 5,564,975.00

40	Support, maintenance and miscellaneous purposes: .....		
41	.....	3,954,110.00	3,066,855.00
42	Total development: .....	\$ 9,312,217.00	\$ 8,631,830.00
43	6. Field operations:		
44	Salaries including longevity (2,655,032.00): .....		
45	.....	\$28,084,617.00	\$28,872,597.00
46	Support, maintenance and miscellaneous purposes: .....		
47	.....	11,243,186.00	11,577,560.00
48	Total field operations: .....	\$39,327,803.00	\$40,450,157.00
49	7. Contingency fund:		
50	General: .....	\$ 750,000.00	\$ 750,000.00
51	To match federal safety funds: .....	200,000.00	200,000.00
52	Total contingency fund: .....	\$ 950,000.00	\$ 950,000.00
53	8. Additional equipment:		
54	Additional equipment is to be purchased to supplement present		
55	inventory. All acquisitions, when acquired, will become a part of the		
56	state highway commission materials and equipment revolving fund:		
57	.....	\$ 243,580.00	\$ 243,580.00
58	9. Inventory and replacement equipment:		
59	To be deposited in the highway commission materials and equipment		
60	revolving fund established by section three hundred seven point		
61	twelve (307.12) of the Code, for funding value increase in the mate-		
62	rials and supplies inventory: .....	\$ 600,000.00	—0—
63	Grand total of funds appropriated by this Act: .....		
64	.....	\$61,164,961.00	\$61,324,370.00

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

1 SEC. 3. All refunds and reimbursements, including federal funds,  
2 received during the biennium shall be credited directly to the pri-  
3 mary road fund, except the refunds and reimbursments relating to  
4 the highway commission materials and equipment revolving fund,  
5 the highway safety act funds, and the aircraft revolving fund which  
6 shall be credited in the manner provided in section eight point thirty-  
7 two (8.32) of the Code.

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

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The state highway commission may make application  
7 to the committees on appropriations for the reappropriation of any  
8 funds that do revert, or probably will revert upon the dates herein set

9 and the respective committees on appropriations or a subcommittee  
10 thereof shall hold a hearing upon the application while the general as-  
11 sembly is in regular session. In all other respects the provisions of  
12 section eight point thirty-three (8.33) of the Code shall apply to  
13 appropriations made for the first fiscal year of such biennium. Un-  
14 encumbered or unobligated balances of appropriations made for the  
15 second fiscal year of such biennium shall be subject to section eight  
16 point thirty-three (8.33) of the Code.

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

1 SEC. 7. Appropriated funds may be used for the granting of edu-  
2 cational leave upon approval of the commissioners.

1 SEC. 8. Section three hundred thirteen point five (313.5), un-  
2 numbered paragraph one (1), Code 1971, is amended as follows:

3 The highway commission shall submit to the comptroller, as pro-  
4 vided by chapter 8, a detailed estimate of the amount required by the  
5 highway commission during each succeeding biennium for the sup-  
6 port of the commission and for engineering and administration of  
7 highway work and maintenance of the primary road system. Such  
8 estimate shall be in the same general form and detail as is required  
9 by chapter 8 and said chapter shall apply to the budgeting, appro-  
10 priation, and expenditure of funds in the primary road fund in the  
11 same manner as such chapter applies to other departments. *How-*  
12 *ever, the amount of contracts for bituminous resurfacing, bridge*  
13 *painting, concrete paving repair, and agreements with municipalities*  
14 *for maintenance on primary road extensions need not be included in*  
15 *the amount appropriated for maintenance.*

1 SEC. 9. It is the intent of the general assembly in making appro-  
2 priations pursuant to this Act, that the moneys available under the  
3 provisions of this Act shall be used to pay salaries and other employee  
4 expenses and to implement the merit pay plan as proposed in the  
5 Jacobs report for four thousand one hundred thirty-four perma-  
6 nent, full-time persons employed during the 1971-1972 fiscal year,  
7 and for four thousand two hundred forty permanent, full-time persons  
8 employed during the 1972-1973 fiscal year, and that no more than four  
9 thousand five hundred twenty-four employee positions be created or  
10 authorized during any one of such years. A variance of one percent  
11 in the above filled positions is considered to be reasonable.

1 SEC. 10. Section three hundred thirteen point four (313.4), Code  
2 1971, is amended by adding the following new paragraph:

3 "It is further provided that there is appropriated from the primary  
4 road fund an amount sufficient to pay the increase in salaries, which  
5 increase is not otherwise provided for by the general assembly in an  
6 appropriation bill, resulting from the annual review of the merit pay  
7 plan as provided in subsection two (2) of section nineteen A point  
8 nine (19A.9) of the Code. The appropriation herein provided shall  
9 be in effect from the date of approval by the executive council to the  
10 end of the fiscal biennium in which it becomes effective."

1 SEC. 11. Chapter three hundred seven (307), Code 1971, is  
2 amended by adding the following new section:

3 "No employee of the state highway commission subject to the pro-  
 4 visions of chapter nineteen A (19A) of the Code who is hired on or  
 5 after July 1, 1971 shall be entitled to longevity pay. The provisions  
 6 of this section shall not apply to any employee of the state highway  
 7 commission subject to chapter nineteen A (19A) of the Code who has  
 8 been employed prior to July 1, 1971 and whose employment continues  
 9 after June 30, 1971. Any employee of the state highway commission  
 10 subject to chapter nineteen A (19A) of the Code whose employment  
 11 is terminated on or after July 1, 1971 shall, if reemployed by the state  
 12 highway commission, forfeit any right he may have to longevity pay."

Approved June 30, 1971.

## CHAPTER 32

### HIGHWAY COMMISSION BUILDING

H. F. 572

AN ACT relating to the construction of an administration building for the state highway commission.

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

1 SECTION 1. Chapter one thousand three (1003), section one (1),  
 2 subsection two (2), paragraph one (1), Acts of the Sixty-third Gen-  
 3 eral Assembly, Second Session, is amended as follows:  
 4 1. For the construction of an administration building consisting of  
 5 three floors and a basement not exceeding [sixty-eight] *sixty-nine*  
 6 thousand gross square feet with seventy-three percent thereof to be  
 7 useable floor space to be located on the real property presently occu-  
 8 pied by the state highway commission at Ames, Iowa, in an amount  
 9 not exceeding two million one hundred thirty-three thousand  
 10 (2,133,000) dollars.

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

Approved April 29, 1971.

I hereby certify that the foregoing Act, House File 572, was published in the Eldora Herald-Ledger, Eldora, Iowa, May 4, 1971, and in The Clinton Herald, Clinton, Iowa, May 3, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.



CHAPTER 33

HIGHWAY COMMISSION COMPENSATION CLAIMS

S. F. 568

AN ACT making an appropriation from the primary road fund to the industrial commission for payment of workmen's compensation claims of employees of the state highway commission.

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

1 SECTION 1. There is appropriated from the primary road fund to  
 2 the industrial commission for each year of the biennium beginning  
 3 July 1, 1971 and ending June 30, 1973 the following amounts, or so  
 4 much thereof as may be necessary, to be used in the manner des-  
 5 ignated:

6		1971-72	1972-73
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	For the purpose of paying properly established claims under the pro-		
9	visions of chapter eighty-five (85) of the Code, of employees or on		
10	behalf of employees or dependents of employees of the state highway		
11	commission: .....	\$150,000.00	\$150,000.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The industrial commission may make application to the  
 7 committees on appropriations for the reappropriation of any funds  
 8 that do revert, or probably will revert upon the dates herein set and  
 9 the respective committees on appropriations or a subcommittee there-  
 10 of shall hold a hearing upon such application while the general as-  
 11 sembly is in regular session. In all other respects the provisions of  
 12 section eight point thirty-three (8.33) of the Code shall apply to ap-  
 13 propriations made for the first fiscal year of such biennium. Unen-  
 14 cumbered or unobligated balances of appropriations made for the  
 15 second fiscal year of such biennium shall be subject to section eight  
 16 point thirty-three (8.33) of the Code.

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

Approved June 19, 1971.

## CHAPTER 34

## HIGHWAY COMMISSION APPROPRIATIONS

## S. F. 171

AN ACT making an appropriation from the primary road fund and road use tax fund to the state highway commission to pay for deficiencies in funds appropriated for field operations and to pay for certain special assessments against property owned by the state.

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

1 SECTION 1. There is appropriated from the primary road fund to  
2 the state highway commission, field operations division, for the  
3 biennium ending June 30, 1971, the sum of three million four hundred  
4 fifty-eight thousand four hundred forty (3,458,440) dollars, or so  
5 much thereof as may be necessary, for the purpose of meeting a de-  
6 ficiency in the funds for salaries, support, maintenance and miscel-  
7 laneous purposes for the field operations.

1 SEC. 2. Notwithstanding the provisions of section three hundred  
2 seven point ten (307.10) of the Code, there is appropriated from the  
3 road use tax fund to the state highway commission for the biennium  
4 ending June 30, 1971, the sum of two hundred fifteen thousand three  
5 hundred ninety dollars and ninety-two cents (\$215,390.92), or so much  
6 thereof as may be necessary, for the purposes provided in section three  
7 hundred seven point five (307.5), subsection twelve (12), and the last  
8 paragraph of section three hundred thirteen point four (313.4), of the  
9 Code, and for the purpose of paying the city of Ames, Iowa for ten  
10 special assessments against certain property owned by the state of  
11 Iowa for the New Street Improvement Program #2-1970. In ad-  
12 dition to the sums appropriated by this section, there shall be paid  
13 from the one million dollars (\$1,000,000) credited by subsection five  
14 (5) of section three hundred twelve point two (312.2) of the Code to  
15 the primary road fund for the purposes of carrying out subsection  
16 twelve (12) of section three hundred seven point five (307.5) of the  
17 Code, the sum of one hundred forty-five thousand dollars (\$145,000)  
18 which, together with the sums appropriated by this section, shall be  
19 used to pay the city of Ames, Iowa for the ten special assessments  
20 against certain property owned by the state of Iowa for the New  
21 Street Improvement Program #2-1970. The sums appropriated by  
22 this section shall, notwithstanding the provisions of section three  
23 hundred twelve point two (312.2) of the Code, be paid prior to any  
24 credit or distribution provided in section three hundred twelve point  
25 two (312.2) of the Code.

1 SEC. 3. Section three hundred seven point ten (307.10), Code  
2 1971, is amended by adding the following new paragraph:  
3 "No such assessment in excess of twenty thousand (20,000) dollars  
4 shall be valid unless it is provided for by or contained within a capital  
5 appropriation by the General Assembly."

1 SEC. 4. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Water-

3 loo Daily Courier, a newspaper published in Waterloo, Iowa, and in the  
4 Jackson Sentinel, a newspaper published in Maquoketa, Iowa.

Approved March 16, 1971.

I hereby certify that the foregoing Act, Senate File 171, was published in the Waterloo Daily Courier, Waterloo, Iowa, March 23, 1971, and in the Jackson Sentinel, Maquoketa, Iowa, March 20, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 35  
HISTORICAL SOCIETY

S. F. 563

AN ACT to appropriate funds from the general fund of the state to the state historical society.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the state historical society for each fiscal year of the biennium  
3 commencing July 1, 1971 and ending June 30, 1973, the following  
4 amounts, or so much thereof as may be necessary, to be used in the  
5 manner designated:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
6		
7		
8	For salaries, support, maintenance and miscellaneous purposes: ....	
9	\$ 143,844.00	\$ 145,219.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The state historical society may make application to  
7 the committees on appropriations for the reappropriation of any  
8 funds that do revert, or probably will revert upon the dates herein  
9 set and the respective committees on appropriations or a subcommit-  
10 tee thereof shall hold a hearing upon the application while the gen-  
11 eral assembly is in regular session. In all other respects the provi-  
12 sions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such bien-  
14 nium. Unencumbered or unobligated balances of appropriations made  
15 for the second fiscal year of such biennium shall be subject to section  
16 eight point thirty-three (8.33) of the Code.

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

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

Approved June 30, 1971.

CHAPTER 36

TOOLSBORO MOUNDS APPROPRIATION

S. F. 562

AN ACT to appropriate from the general fund of the state of Iowa to the state historical society for development of designated historical sites.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1971, and ending June 30,  
 3 1973, to the state historical society the sum of twelve thousand  
 4 (12,000) dollars, or so much thereof as may be necessary, to be used  
 5 for further development of Toolsboro Mounds and museum area, and  
 6 the sum of eight thousand (8,000) dollars, or so much thereof as may  
 7 be necessary, to be used for further development and maintenance of  
 8 Gardner Log Cabin.

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

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

Approved June 14, 1971.

CHAPTER 37

HOOVER BIRTHPLACE AND MISSISSIPPI RIVER PARKWAY

S. F. 487

AN ACT making appropriations to certain state agencies.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the Herbert Hoover birthplace foundation, Incorporated, and  
 3 the Mississippi river parkway commission for each fiscal year of the  
 4 biennium commencing July 1, 1971 and ending June 30, 1973, the fol-  
 5 lowing amounts, or so much thereof as may be necessary, to be used  
 6 in the manner designated:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
9 1. HERBERT HOOVER BIRTHPLACE FOUNDATION, INCORPORATED.		
10 For support, maintenance and miscellaneous purposes: .....		
11 .....	\$3,000.00	\$3,000.00
12 2. MISSISSIPPI RIVER PARKWAY COMMISSION.		
13 For support, maintenance and miscellaneous purposes: .....		
14 .....	\$5,150.00	\$5,150.00

1 SEC. 2. No moneys appropriated by this Act shall be used for  
 2 capital improvements. Any balance remaining in the funds for which

3 appropriations are made by this Act at the end of the first fiscal year  
4 of the biennium shall carry forward to the second fiscal year of the  
5 biennium.

1 SEC. 3. All federal grants to and the federal receipts of the agen-  
2 cies receiving funds under this Act are appropriated for the purpose  
3 set forth in the federal grants or receipts.

Approved May 24, 1971.

## CHAPTER 38

### HISTORY AND ARCHIVES APPROPRIATION

#### H. F. 705

AN ACT to make an appropriation to the department of history and archives.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for the department of history and archives for each fiscal year  
3 of the biennium commencing July 1, 1971 and ending June 30, 1973,  
4 the following amounts, or so much thereof as may be necessary, to be  
5 used in the manner designated:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 HISTORY AND ARCHIVES, IOWA STATE DEPARTMENT OF		
9 For salaries, support, maintenance and miscellaneous purposes. ....		
10 .....	\$ 197,732.00	\$ 204,058.00

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

1 SEC. 3. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year  
4 of the biennium commencing July 1, 1971 shall, on September 30,  
5 1972, revert to the state treasury and to the credit of the fund from  
6 which appropriated. The department of history and archives may  
7 make application to the committees on appropriations for the reappro-  
8 priation of any funds that do revert, or probably will revert upon the  
9 dates herein set and the respective committees on appropriations or  
10 a subcommittee thereof shall hold a hearing upon the application  
11 while the general assembly is in regular session. In all other respects  
12 the provisions of section eight point thirty-three (8.33) of the Code  
13 shall apply to appropriations made for the first fiscal year of such  
14 biennium. Unencumbered or unobligated balances of appropriations  
15 made for the second fiscal year of such biennium shall be subject to  
16 section eight point thirty-three (8.33) of the Code.

1 SEC. 4. All federal grants to and the federal receipts of the agen-  
2 cies receiving funds under this Act are appropriated for the purpose  
3 set forth in the federal grants or receipts.

Approved June 30, 1971.

## CHAPTER 39

## AMERICAN REVOLUTION BICENTENNIAL

S. F. 591

AN ACT making an appropriation to the Iowa American revolution bicentennial commission.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the Iowa American revolution bicentennial commission for  
3 each year of the biennium beginning July 1, 1971 and ending June 30,  
4 1973, the sum of forty thousand (40,000) dollars, or so much thereof  
5 as is necessary for the purpose of carrying out the purposes and du-  
6 ties of the Iowa American revolution bicentennial commission as pro-  
7 vided in chapter one thousand two hundred eighty-six (1286) of the  
8 Acts of the Sixty-third General Assembly, Second Session.

Approved June 30, 1971.

## CHAPTER 40

## IPERS APPROPRIATION

H. F. 696

AN ACT to appropriate from the Iowa public employees' retirement system fund to the employment security commission for costs of the administration of the Iowa public employees' retirement system.

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

1 SECTION 1. There is appropriated from the Iowa public employees'  
2 retirement system fund for each fiscal year of the biennium beginning  
3 July 1, 1971 and ending June 30, 1973 for the employment security  
4 commission, the following amounts, or so much thereof as may be  
5 necessary, to be used for the following purposes:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 For salaries, support, maintenance, and miscellaneous purposes to		
9 pay the costs of the administration of the Iowa public employees' re-		
10 tirement system. ....	\$ 502,450.00	\$ 507,620.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year  
4 of the biennium commencing July 1, 1971 shall, on September 30,  
5 1972, revert to the state treasury and to the credit of the fund from  
6 which appropriated. The commission to which this appropriation is  
7 made may make application to the appropriation committee for the  
8 reappropriation of any funds that do revert, or probably will revert  
9 upon the dates herein set and the respective appropriation committee  
10 or a subcommittee thereof shall hold a hearing upon such application  
11 while the general assembly is in regular session. In all other respects  
12 the provisions of section eight point thirty-three (8.33) of the Code  
13 shall apply to appropriations made for the first fiscal year of such

14 biennium. Unencumbered or unobligated balances of appropriations  
 15 made for the second fiscal year of such biennium shall be subject to  
 16 section eight point thirty-three (8.33) of the Code.

Approved June 30, 1971.

## CHAPTER 41

### IPERS ADVISORY BOARD

S. F. 564

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

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

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

8	A. L. Mensing .....	\$ 80.00
9	James W. Griffin, Sr. ....	\$360.00
10	Leonard C. Andersen .....	\$320.00

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

Approved June 14, 1971.

## CHAPTER 42

### MERGED AREAS SCHOOL AID

H. F. 741

AN ACT relating to payment of general school aid to merged areas, and providing an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state of Iowa to the department of public instruction for each fiscal  
 3 year of the biennium beginning July 1, 1971, and ending June 30,  
 4 1973, the following amounts, or so much thereof as may be necessary,  
 5 to be used for the purposes designated:

6 For general state financial aid to merged areas as defined in sec-  
 7 tion two hundred eighty A point two (280A.2) of the Code.

8	1. For the 1971-72 fiscal year:	
9	Merged area I .....	\$ 343,945.00
10	Merged area II .....	918,261.00
11	Merged area III .....	605,620.00
12	Merged area IV .....	265,392.00
13	Merged area V .....	1,044,383.00
14	Merged area VI .....	1,066,140.00
15	Merged area VII .....	664,697.00
16	Merged area IX .....	1,008,982.00
17	Merged area X .....	1,509,157.00
18	Merged area XI .....	1,510,361.00
19	Merged area XII .....	531,453.00
20	Merged area XIII .....	800,849.00
21	Merged area XIV .....	358,985.00
22	Merged area XV .....	823,492.00
23	Merged area XVI .....	718,283.00
24	Total for the 1971-72 fiscal year: .....	\$12,170,000.00
25	2. For the 1972-73 fiscal year:	
26	Merged area I .....	\$ 411,429.00
27	Merged area II .....	1,028,182.00
28	Merged area III .....	677,733.00
29	Merged area IV .....	307,892.00
30	Merged area V .....	1,175,689.00
31	Merged area VI .....	1,178,242.00
32	Merged area VII .....	766,501.00
33	Merged area IX .....	1,125,003.00
34	Merged area X .....	1,724,525.00
35	Merged area XI .....	1,737,597.00
36	Merged area XII .....	611,255.00
37	Merged area XIII .....	914,271.00
38	Merged area XIV .....	407,974.00
39	Merged area XV .....	926,633.00
40	Merged area XVI .....	807,074.00
41	Total for the 1972-73 fiscal year: .....	\$13,800,000.00
42	Total for the 1971-73 fiscal biennium .....	\$25,970,000.00

1 SEC. 2. No moneys appropriated by this Act shall be used for capi-  
2 tal improvements.

1 SEC. 3. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The department of public instruction may make appli-  
7 cation to the committees on appropriations for the reappropriation of  
8 any funds that do revert, or probably will revert upon the dates here-  
9 in set and the respective committees on appropriations or a subcom-  
10 mittee thereof shall hold a hearing upon the application while the  
11 general assembly is in regular session. In all other respects the pro-  
12 visions of section eight point thirty-three (8.33) of the Code shall



13 apply to appropriations made for the first fiscal year of such bien-  
 14 nium. Unencumbered or unobligated balances of appropriations  
 15 made for the second fiscal year of such biennium shall be subject to  
 16 section eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 43

### PUBLIC INSTRUCTION APPROPRIATION

H. F. 692

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the department of public instruction for the biennium begin-  
 3 ning July 1, 1971, and ending June 30, 1973, the following amounts,  
 4 or so much thereof as may be necessary, to be used for the following  
 5 purposes, to wit:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 1. Manpower Development and Training		
9 For participating in the manpower development and training Act.		
10 Funds are to be used for the conduct of local programs and state ad-		
11 ministration, to the extent required, to match federal funds to be ex-		
12 pended by the United States treasury for this purpose: .....		
13 .....	\$180,000.00	\$180,000.00
14 2. National Defense Education		
15 For the purpose of accepting federal funds currently referred to as		
16 the National Defense Education Act of 1958, as amended by vocational		
17 amendments 1968, for (a) administration and extension of super-		
18 visory and related services by the department for financial assistance		
19 for strengthening sciences, mathematics, modern foreign language		
20 instruction and other critical subjects; (b) administration by the de-		
21 partment and the several school districts of the state for guidance,		
22 counseling and testing; and (c) improvement and expansion of the		
23 statistical services of the state department: .....		
24 .....	\$172,575.00	\$171,675.00
25 Grand total of all appropriations for each fiscal year of the bien-		
26 nium as provided by this Act: .....	<u>\$352,575.00</u>	<u>\$351,675.00</u>

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971, shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from

6 which appropriated. In all other respects the provisions of section  
 7 eight point thirty-three (8.33) of the Code shall apply to appropria-  
 8 tions made for the first fiscal year of such biennium. Unencumbered  
 9 or unobligated balances of appropriations made for the second fiscal  
 10 year of such biennium shall be subject to section eight point thirty-  
 11 three (8.33) of the Code.

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

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

Approved June 30, 1971.

## CHAPTER 44

### SCHOOL LUNCH ASSISTANCE

H. F. 688

AN ACT making an appropriation to the department of public instruction to provide school lunch assistance.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the department of public instruction for the fiscal year com-  
 3 mencing July 1, 1971, and ending June 30, 1972 the sum of five hun-  
 4 dred five thousand (505,000) dollars, or so much thereof as may be  
 5 necessary, for the purpose of providing assistance to the school dis-  
 6 tricts of the state in the breakfasts, lunches, and minimal equipment  
 7 programs.

1 SEC. 2. The funds appropriated by this Act shall be used as state  
 2 matching funds and shall be disbursed according to federal regula-  
 3 tions.

1 SEC. 3. Any unencumbered or unobligated balances of funds ap-  
 2 propriated by this Act existing subsequent to the last day of the fiscal  
 3 year commencing July 1, 1971 shall revert to the general fund of the  
 4 state on September 30, 1972.

Approved June 14, 1971.

## CHAPTER 45

### PUBLIC INSTRUCTION DEPARTMENT

H. F. 709

AN ACT making an appropriation from the general fund of the state of Iowa to the department of public instruction and relating to renewal fees for certificates.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1971, and ending June 30,

3 1973, to the department of public instruction, the following amounts,  
 4 or so much thereof as may be necessary, to be used in the manner des-  
 5 ignated:

	<u>1971-72</u>	<u>1972-73</u>
	Fiscal Year	Fiscal Year
6		
7		
8	1. General Office Administration	
9	For salaries, support, maintenance and miscellaneous purposes: ....	
10	\$1,166,530.00	\$1,266,100.00
11	2. Vocational Education Administration	
12	For salaries, support, maintenance and miscellaneous purposes: ....	
13	\$ 304,450.00	\$ 319,625.00
14	3. Vocational Education	
15	For vocational education aid to secondary schools and area schools.	
16	Funds appropriated under this Act are to be used for aid to school	
17	districts and area schools for development and the conduct of pro-	
18	grams of vocational education in accordance with the provisions of	
19	chapter two hundred fifty-eight (258) and chapter two hundred eighty	
20	A (280A) of the Code, and further to purchase instructional equip-	
21	ment for vocational and technical courses of instruction in such	
22	schools.	
23	Secondary Schools: .....	\$1,725,000.00 \$1,725,000.00
24	Area Schools: .....	5,175,000.00 5,175,000.00
25	Total vocational education: .....	6,900,000.00 *6,900,000.00
26	4. Vocational Rehabilitation	
27	For salaries, support, maintenance and miscellaneous purposes: ....	
28	\$1,000,000.00	\$1,000,000.00

1 SEC. 2. There is appropriated to the department of public instruc-  
 2 tion from the general fund of the state for the biennium beginning  
 3 July 1, 1971 and ending June 30, 1973, the sum of thirty thousand  
 4 (30,000) dollars, or so much thereof as may be necessary for the use  
 5 of the professional teaching practices commission to carry out the  
 6 provisions of chapter two hundred seventy-two A (272A) of the Code.

1 SEC. 3. Chapter two hundred fifty-eight (258), Code 1971, is  
 2 amended by adding the following new section:

3 1. There is created within the office of the treasurer of state a  
 4 vocational youth organization fund. Moneys deposited in the fund  
 5 shall be used to develop leadership in the youth of Iowa who are  
 6 enrolled in vocational and occupational education programs and to  
 7 encourage the youth of Iowa to pursue vocational and occupational  
 8 education.

9 2. The board for vocational education is authorized to award grants  
 10 from the vocational youth organization fund to any vocational organi-  
 11 zation which is an integral part of the instructional program in occu-  
 12 pational-vocational areas which includes, but is not limited to, agricul-  
 13 ture, business and office occupations, distributive education, home  
 14 economics, and trade and industrial education. No moneys shall be  
 15 used for salaries and travel of state or local advisors of vocational  
 16 educational organizations. No vocational organization shall receive  
 17 more than one-fifth of the moneys appropriated to the vocational  
 18 youth organization fund in any year.

\*According to enrolled Act.

19 3. There is allocated from subsection three (3) of section one (1)  
 20 of this Act the sum of ten thousand (10,000) dollars, or so much  
 21 thereof as may be necessary, for each year of the biennium beginning  
 22 July 1, 1971, and ending June 30, 1973, which shall be deposited in  
 23 the vocational youth organization fund and used to carry out the  
 24 purposes of this section.

1 SEC. 4. Section two hundred sixty point fourteen (260.14), Code  
 2 1971, is amended as follows:

3 260.14 **Fees for renewal.** The fee for the issuance or the [term]  
 4 renewal of any certificate shall be [two] *fifteen* dollars. [The fee for  
 5 life renewal shall be five dollars.]

1 SEC. 5. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971 shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from  
 6 which appropriated. In all other respects the provisions of section  
 7 eight point thirty-three (8.33) of the Code shall apply to appropria-  
 8 tions made for the first fiscal year of such biennium. Unencumbered  
 9 or unobligated balances of appropriations made for the second fiscal  
 10 year of such biennium shall be subject to section eight point thirty-  
 11 three (8.33) of the Code.

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

1 SEC. 7. All federal grants to and the federal receipts of this de-  
 2 partment and divisions thereof are hereby appropriated for the pur-  
 3 pose set forth in the federal grants or receipts.

1 SEC. 8. No moneys appropriated by this Act shall be used for  
 2 capital improvements.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 46

### DRIVERS' TRAINING

S. F. 582

AN ACT to appropriate from the general fund of the state to the department of public instruction for driver's\* training aid and providing for administrative expenses.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the department of public instruction for each fiscal year of the  
 3 biennium beginning July 1, 1971 and ending June 30, 1973, the fol-  
 4 lowing amounts, or so much thereof as may be necessary, to be used  
 5 for the purpose designated:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
8 DEPARTMENT OF PUBLIC INSTRUCTION FOR DRIVER'S* TRAINING AID.		
9 For driver's* training aid to such school districts of the state as quali-		
10 fied under provisions of section three hundred twenty-one point one		
11 hundred seventy-eight (321.178) of the Code: .....		
12 .....	\$1,697,450.00	\$1,702,550.00

1 SEC. 2. No money appropriated under this Act shall be used to pay  
2 claims for driver education prior to July 1, 1970.

1 SEC. 3. Section three hundred twenty-one point one hundred  
2 seventy-eight (321.178), subsection one (1), unnumbered paragraph  
3 two (2), Code 1971, is amended as follows:

4 Commencing with the September, 1965, school term, the state shall  
5 reimburse each public school district in an amount not to exceed thirty  
6 dollars per student for each student [completing] *enrolled in and*  
7 *regularly attending* an approved driver education course offered or  
8 made available by the school district. Every public school district  
9 in Iowa shall offer or make available to all students residing in the  
10 school district an approved course in driver education. *Said courses*  
11 *may be offered at sites other than at the public school, including non-*  
12 *public school facilities within the public school districts. The public*  
13 *school district offering said course in a non-public school within the*  
14 *public school district shall be eligible for the thirty dollar state reim-*  
15 *bursement for each student in the course regardless of the public*  
16 *school district in which the student happens to reside. An approved*  
17 *course offered during the summer months, on Saturdays, after regu-*  
18 *lar school hours during the regular terms or partly in one term or*  
19 *summer vacation period and partly in the succeeding term or summer*  
20 *vacation period, as the case may be, shall satisfy the requirements of*  
21 *this section to the same extent as an approved course offered during*  
22 *the regular school hours of the school term. A student who success-*  
23 *fully completes and obtains certification in an approved course in*  
24 *driver education may, upon proof of such fact, be excused from any*  
25 *field test which he would otherwise be required to take in demonstrat-*  
26 *ing his ability to operate a motor vehicle. Funds for such reimburse-*  
27 *ment shall be appropriated by the legislature to a special driver edu-*  
28 *cation fund to be administered by the department of public instruc-*  
29 *tion. [Two] Four percent of the annual amount allocated to the spe-*  
30 *cial driver education fund, shall be available to the department of*  
31 *public instruction for use in discharging the cost of administration*  
32 *of this section.*

1 SEC. 4. All federal grants to and the federal receipts of the de-  
2 partment in relation to this Act are appropriated for the purpose set  
3 forth in such federal grants or receipts.

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year

\*According to enrolled Act.

4 of the biennium commencing July 1, 1971 shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from  
 6 which appropriated. The department may make application to the  
 7 committees on appropriations for the reappropriation of any funds  
 8 that do revert, or probably will revert upon the dates herein set and  
 9 the respective committees on appropriations or a subcommittee there-  
 10 of shall hold a hearing upon the application while the general assem-  
 11 bly is in regular session. In all other respects the provisions of sec-  
 12 tion eight point thirty-three (8.33) of the Code shall apply to appro-  
 13 priations made for the first fiscal year of such biennium. Unencum-  
 14 bered or unobligated balances of appropriations made for the second  
 15 fiscal year of such biennium shall be subject to section eight point  
 16 thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 47

### MERGED AREA I SCHOOL APPROPRIATION

H. F. 744

AN ACT to make an appropriation to merged area I for the purpose of implementing the provisions of law requiring an area vocational attendance center.

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

1 SECTION 1. There is appropriated from funds in the general fund  
 2 of the state, not otherwise appropriated, to merged area I, the sum  
 3 of two hundred thousand (200,000) dollars for the purpose of oper-  
 4 ating the attendance center which merged area I is required to oper-  
 5 ate by the provisions of section two hundred eighty A point forty  
 6 (280A.40) of the Code.

7 The appropriation provided by this Act shall be paid by the state  
 8 comptroller to the treasurer of merged area I as follows:

9	For the year beginning July 1, 1971.....	\$100,000.00
10	For the year beginning July 1, 1972.....	\$100,000.00

1 SEC. 2. Notwithstanding the provisions of section eight point thir-  
 2 ty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. Merged area I may make application to the commit-  
 7 tees on appropriations for the reappropriation of any funds that do  
 8 revert, or probably will revert upon the dates herein set and the re-  
 9 spective committees on appropriations or a subcommittee thereof  
 10 shall hold a hearing upon the application while the general assembly  
 11 is in regular session. In all other respects the provisions of section  
 12 eight point thirty-three (8.33) of the Code shall apply to appropria-  
 13 tions made for the first fiscal year of such biennium. Unencumbered  
 14 or unobligated balances of appropriations made for the second fiscal

15 year of such biennium shall be subject to section eight point thirty-  
16 three (8.33) of the Code.

Approved June 30, 1971.

## CHAPTER 48

### SPECIAL EDUCATION APPROPRIATION

#### S. F. 577

AN ACT to make an appropriation to the department of public instruction for reimbursements to school districts and county boards of education.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state to the department of public instruction for each year of the  
3 biennium beginning July 1, 1971 and ending June 30, 1973, the fol-  
4 lowing amounts, or so much thereof as may be necessary, to be used  
5 in the manner designated:

	1971-72	1972-73
	Fiscal Year	Fiscal Year

8 SPECIAL EDUCATION.

9 For reimbursement to school districts or county boards of education  
10 in accordance with the provisions of chapter two hundred eighty-one  
11 (281) of the Code, and school districts or county boards of education  
12 operating education programs for migratory workers and children  
13 of migratory workers: .....\$ 3,700,000.00 \$ 3,700,000.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The department of public instruction may make applica-  
7 tion to the committees on appropriations for the reappropriation  
8 of any funds that do revert, or probably will revert upon the dates  
9 herein set and the respective committees on appropriations or a sub-  
10 committee thereof shall hold a hearing upon the application while the  
11 general assembly is in regular session. In all other respects the provi-  
12 sions of section eight point thirty-three (8.33) of the Code shall apply  
13 to appropriations made for the first fiscal year of such biennium. Un-  
14 encumbered or unobligated balances of appropriations made for the  
15 second fiscal year of such biennium shall be subject to section eight  
16 point thirty-three (8.33) of the Code.

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

1 SEC. 4. No moneys appropriated in this Act shall be used for capi-  
2 tal improvements.

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

Approved June 30, 1971.

CHAPTER 49

EDUCATIONAL RADIO AND TELEVISION

H. F. 738

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the educational radio and television facility board for each  
 3 fiscal year of the biennium beginning July 1, 1971 and ending June 30,  
 4 1973, the following amounts, or so much thereof as may be necessary,  
 5 to be used for the purposes designated:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
8 EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.		
9 1. For salaries, support, maintenance, and miscellaneous purposes:		
10 -----	\$987,070.00	\$1,039,500.00
11 2. To liquidate four lease-to-own contracts for videotape recorders		
12 and studio cameras: -----	\$270,000.00	—

1 SEC. 2. There is appropriated from the general fund of the state  
 2 to the educational radio and television facility board for the fiscal  
 3 biennium commencing July 1, 1971 and ending June 30, 1973, the sum  
 4 of thirty-two thousand five hundred (32,500) dollars, or so much  
 5 thereof as may be necessary, for the acquisition and operation of  
 6 equipment to be made available by the Black Hawk broadcasting  
 7 company.

1 SEC. 3. The educational radio and television facility board, the  
 2 governor, and the state comptroller may accept federal or private  
 3 grants to the state or accept as a gift any facilities or real property to  
 4 be used in connection with the funds appropriated by this Act.

1 SEC. 4. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by section one (1) of this Act for  
 4 the first fiscal year of the biennium commencing July 1, 1971 shall, on  
 5 September 30, 1972, revert to the state treasury and to the credit of  
 6 the fund from which appropriated. The educational radio and tele-  
 7 vision facility board may make application to the committees on ap-  
 8 propriations for the reappropriation of any funds that do revert, or  
 9 probably will revert upon the dates herein set and the respective com-  
 10 mittees on appropriations or a subcommittee thereof shall hold a  
 11 hearing upon the application while the general assembly is in regular  
 12 session. In all other respects the provisions of section eight point  
 13 thirty-three (8.33) of the Code shall apply to appropriations made



14 for the first fiscal year of such biennium. Unencumbered or unobli-  
15 gated balances of appropriations made for the second fiscal year of  
16 such biennium shall be subject to section eight point thirty-three  
17 (8.33) of the Code.

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

Approved June 30, 1971.

CHAPTER 50

PUBLIC SAFETY DEPARTMENT

S. F. 557

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

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for each fiscal year of the biennium beginning July 1, 1971 and  
3 ending June 30, 1973, for the department of public safety and various  
4 divisions thereof, the following amounts, or so much as may be neces-  
5 sary, to be used for the following purposes:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
8 1. DIVISION OF ADMINISTRATION		
9 For salaries, support, maintenance, and miscellaneous purposes ....		
10 .....\$ 288,389.00	\$ 288,389.00	\$ 297,789.00
11 For matching federal funds with approval of the governor .....		
12 .....\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
13 Total .....	\$ 388,389.00	\$ 397,789.00

14 2. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF  
15 IDENTIFICATION

16 For salaries, support, maintenance and miscellaneous purposes and  
17 for the state's contribution to the peace officers' retirement, accident,  
18 and disability system provided in chapter ninety-seven A (97A) of the  
19 Code, in the amount of sixteen percent of the salaries of personnel  
20 included in the system.....\$ 601,250.00 \$ 582,500.00

21 No funds from any source shall be expended for the operation of  
22 the criminal conspiracy unit after July 13, 1971, unless the depart-  
23 ment has filed a preliminary report of proposed rules and regulations  
24 regarding the internal operations of that unit with the legislative  
25 rules review committee before that date, and no funds shall be  
26 expended after September 15, 1971, unless all rules and regulations  
27 regarding the internal operation of the criminal conspiracy unit have  
28 been submitted to the legislative rules review committee, been made  
29 a matter of public record, and received any recommendations of such  
30 committee relative to such rules.

31 3. DIVISION OF FIRE PROTECTION

32 For salaries, support, maintenance, and miscellaneous purposes ....  
33 .....\$ 162,183.00 \$ 168,424.00

34	4. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE	
35	Including motor vehicle financial and safety responsibility and oper-	
36	ators' and chauffeurs' licenses.	
37	For salaries, support, maintenance, and miscellaneous purposes	
38	and for the state's contribution to the peace officers' retirement,	
39	accident and disability system provided in chapter ninety-seven	
40	A (97A) of the Code, in the amount of sixteen percent of the salaries	
41	of personnel included in the system....	\$ 7,496,838.00    \$ 7,550,812.00
42	5. DIVISION OF DRUG LAW ENFORCEMENT	
43	For salaries, support, maintenance, and miscellaneous purposes	
44	and for the state's contribution to the peace officers' retirement, acci-	
45	dent, and disability system provided in chapter ninety-seven A (97A)	
46	of the Code, in the amount of sixteen percent of the salaries of per-	
47	sonnel included in the system .....	\$ 136,110.00    \$ 127,470.00
48	6. DIVISION OF MOTOR REGISTRATION	
49	For salaries, support, maintenance, and miscellaneous purposes ....	
50	.....	\$ 693,675.00    \$ 707,792.00
51	7. DIVISION OF RADIO COMMUNICATION	
52	For salaries, support, maintenance, and miscellaneous purposes ....	
53	.....	\$ 824,251.00    \$ 844,417.00
54	8. DIVISION OF SAFETY EDUCATION	
55	For salaries, support, maintenance, and miscellaneous purposes ....	
56	.....	\$ 89,948.00    \$ 94,883.00
57	Grand total of all appropriations for each fiscal year of the bien-	
58	nium provided by section one (1) of this Act .....	
59	.....	<u>\$10,392,644.00</u> <u>\$10,474,087.00</u>

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

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

1    SEC. 4. Notwithstanding the provisions of section eight point  
2    thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3    ances of appropriations made by this Act for the first fiscal year of the  
4    biennium commencing July 1, 1971 shall, on September 30, 1972, re-  
5    vert to the state treasury and to the credit of the fund from which  
6    appropriated. The department of public safety may make applica-  
7    tion to the committees on appropriations for the reappropriation of  
8    any funds that do revert, or probably will revert upon the dates  
9    herein set and the respective committees on appropriations or a sub-  
10    committee thereof shall hold a hearing upon the application while  
11    the general assembly is in regular session. In all other respects the  
12    provisions of section eight point thirty-three (8.33) of the Code shall  
13    apply to appropriations made for the first fiscal year of such biennium.  
14    Unencumbered or unobligated balances of appropriations made for  
15    the second fiscal year of such biennium shall be subject to section  
16    eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 51

## DIVISION OF RADIO COMMUNICATION

## S. F. 551

AN ACT to appropriate from the general fund of the state of Iowa to the department of public safety for radio equipment for the division of radio communication.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state of Iowa, for the biennium beginning July 1, 1971 and ending  
3 June 30, 1973, to the department of public safety, division of radio  
4 communication, the following amount, or so much thereof as may be  
5 necessary, to be used for the following purpose:

6 For purchase of radio equipment. ....\$150,000.00

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

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

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

Approved June 19, 1971.

## CHAPTER 52

## MOTOR VEHICLE DEALERS FUND

## H. F. 715

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

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

1 SECTION 1. There is appropriated and the commissioner of public  
2 safety may expend from the money received by the department of  
3 public safety under section three hundred twenty-two point twelve  
4 (\$22.12) of the Code, known as the motor vehicle dealers license fee  
5 fund, for each year of the biennium beginning July 1, 1971 and ending  
6 June 30, 1973 the following amounts, or so much thereof as may be  
7 necessary, to be used for the following purposes:

	1971-72 Fiscal Year	1972-73 Fiscal Year
8		
9		
10		
11		
	\$108,420.00	\$112,120.00

1 SEC. 2. The remainder of the fund referred to in section one (1)  
 2 of this Act is appropriated and may be expended by the commissioner  
 3 of public safety for contingencies arising during the biennium which  
 4 are legally payable from the fund.

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

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

1 SEC. 5. The reversion of funds appropriated by this Act which are  
 2 unexpended and unencumbered shall be governed by the provisions of  
 3 section three hundred twenty-two point twelve (322.12) of the Code.

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

Approved June 14, 1971.

## CHAPTER 53

### LAW ENFORCEMENT ACADEMY

S. F. 555

AN ACT to provide an appropriation from the general fund of the state for capital improvements for the Iowa law enforcement academy.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state, subject to the provisions of section two (2) of this Act, for the  
 3 biennium beginning July 1, 1971 and ending June 30, 1973 to the  
 4 Iowa law enforcement academy the sum of fifty thousand (50,000)  
 5 dollars, or so much thereof as may be necessary, to be used for plan-  
 6 ning and constructing or obtaining dormitory, classroom and dietary  
 7 facilities.

1 SEC. 2. The Iowa law enforcement academy, the governor and  
 2 the state comptroller shall make application for federal grants to the  
 3 state to be used in connection with the funds to be appropriated by  
 4 this Act. The funds appropriated by this Act shall not be expended  
 5 until federal grants or federal matching funds in an amount equal to  
 6 or greater than the amount of funds available under the provisions  
 7 of this Act are received by the state.

1 \*[SEC. 3. Plans and specifications for improvements for which  
 2 funds are appropriated by this Act shall be submitted to the budget  
 3 and financial control committee for approval, except that items com-  
 4 monly known as change orders need not be submitted to the budget

5 and financial control committee unless such change orders actually  
6 increase the total cost of the project.]

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

\*Approved June 30, 1971 except Item 3 designated as Section 3  
herein which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

## CHAPTER 54

### PUBLIC DEFENSE DEPARTMENT APPROPRIATION

S. F. 542

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

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state of Iowa to the department of public defense, the sum of four  
3 hundred eighty thousand (480,000) dollars, or so much thereof as  
4 may be necessary, to be used for the state's share of the armory  
5 construction program made available to the state by the federal gov-  
6 ernment for the acquisition, construction, expansion, rehabilitation  
7 and converting facilities of the administration and training units of  
8 the national guard and state guard; for repairs, replacements, altera-  
9 tions, equipment and rehabilitation of armories in connection with  
10 which federal funds may be accepted; and for repairs, replacements,  
11 alterations, equipment and rehabilitation of grounds, buildings and  
12 roads at Camp Dodge, Iowa.

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

1 SEC. 3. The department of public defense, the governor and the  
2 state comptroller are authorized to obtain federal grants to the state  
3 to be used in connection with the funds appropriated by this Act. All  
4 federal grants to the state obtained by the department of public de-  
5 fense, the governor and the state comptroller are appropriated for  
6 the purpose set forth in the federal grants.

1 SEC. 4. Any unencumbered balance remaining as of June 30, 1975,  
2 shall revert to the general fund of the state as of June 30, 1975.

Approved June 16, 1971.

## CHAPTER 55

## INAUGURAL EXPENSES

## H. F. 373

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

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state the sum of ten thousand forty-five dollars and forty-six cents  
3 (10,045.46), or so much thereof as may be necessary, to pay the  
4 expenses incurred on account of the inaugural ceremonies and recep-  
5 tion.

6 Warrants for payment of expenses authorized under this Act shall  
7 be drawn in favor of the adjutant general upon the filing of vouchers  
8 therefor with the state comptroller.

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 Tele-  
3 graph-Herald, a newspaper published in Dubuque, Iowa, and in The  
4 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved June 10, 1971.

I hereby certify that the foregoing Act, House File 373, was published in The Tele-  
graph-Herald, Dubuque, Iowa, June 17, 1971, and in The Cedar Rapids Gazette, Cedar  
Rapids, Iowa, June 15, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 56

## RECIPROCITY BOARD

## H. F. 703

AN ACT making an appropriation from the general fund of the state to the Iowa  
reciprocity board.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for each fiscal year of the biennium commencing July 1, 1971  
3 and ending June 30, 1973 for the Iowa reciprocity board, the following  
4 amounts, or so much thereof as may be necessary, to be used for  
5 the following purposes, to wit:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
6 IOWA RECIPROCITY BOARD.		
8 1. For salaries, support, maintenance and miscellaneous purposes.		
9 .....	\$157,630.00	\$164,340.00
10 2. For the implementation and establishment of a data process-		
11 ing procedure for the licensing and accounting functions of the Iowa		
12 reciprocity board. ....	\$ 50,000.00	—0—

13 The state comptroller shall at the earliest possible date employ a  
14 person or persons or direct someone employed by him to carry out the  
15 provisions of this subsection. The person or persons employed or di-

16 reated to carry out the provisions of this Act shall serve at the pleas-  
 17 ure of the state comptroller and shall be paid from funds appro-  
 18 priated to the office of the state comptroller. The Iowa reciprocity  
 19 board shall reimburse the office of the state comptroller for the pay-  
 20 ment of such funds from the funds appropriated by this Act.

21 3. Grand total of all appropriations for all purposes for each fiscal  
 22 year of the biennium for the Iowa reciprocity board.

23 ----- \$207,630.00 \$164,340.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971 shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from  
 6 which appropriated. The Iowa reciprocity board may make applica-  
 7 tion to the committees on appropriations for the reappropriation of  
 8 any funds that do revert, or probably will revert upon the dates here-  
 9 in set and the respective committees on appropriations or a subcom-  
 10 mittee thereof shall hold a hearing upon the application while the  
 11 general assembly is in regular session. In all other respects the pro-  
 12 visions of section eight point thirty-three (8.33) of the Code shall  
 13 apply to appropriations made for the first fiscal year of such bien-  
 14 nium. Unencumbered or unobligated balances of appropriations made  
 15 for the second fiscal year of such biennium shall be subject to section  
 16 eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 57

### MOTOR FUEL TAX FUND

H. F. 694

AN ACT relating to and to appropriate from the motor vehicle\* fuel tax fund to the department of revenue.

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

1 SECTION 1. There is appropriated from the motor vehicle\* fuel  
 2 tax fund for each fiscal year of the biennium beginning July 1, 1971  
 3 and ending June 30, 1973 to the department of revenue the following  
 4 amounts, or so much thereof as may be necessary, to be used for the  
 5 following purposes:

\*According to enrolled Act.

6		1971-72	1972-73
7		<u>Fiscal Year</u>	<u>Fiscal Year</u>
8	DEPARTMENT OF REVENUE		
9	For salaries, support, maintenance and miscellaneous purposes for		
10	the administration and enforcement of the provisions of chapter		
11	three hundred twenty-four (324) of the Code: .....		
12		\$879,825.00	\$902,939.00

1 SEC. 2. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971 shall, on September 30,  
 5 1972, revert to the state treasury and to the credit of the fund from  
 6 which appropriated. In all other respects the provisions of section  
 7 eight point thirty-three (8.33) of the Code shall apply to appropri-  
 8 ations made for the first fiscal year of such biennium. Unencumbered  
 9 or unobligated balances of appropriations made for the second fiscal  
 10 year of such biennium shall be subject to section eight point thirty-  
 11 three (8.33) of the Code.

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

1 SEC. 4. Section three hundred twenty-four point seventy-seven  
 2 (324.77), Code 1971, is amended as follows:

3 **324.77 Moneys deposited in treasury—refunds.** All fees, taxes,  
 4 interest, and penalties imposed under this chapter must be paid to the  
 5 department of revenue in the form of remittances payable to the  
 6 treasurer of state, and the department of revenue shall transmit each  
 7 payment daily to the [state] treasurer of state. *Such payments shall*  
 8 *be deposited by the treasurer of state in a fund, hereby created, within*  
 9 *the state treasury which shall be known as the motor vehicle\* fuel tax*  
 10 *fund.* The department of revenue shall certify monthly to the state  
 11 comptroller amounts of refunds of tax approved or determined by the  
 12 department during each month, and the state comptroller shall draw  
 13 warrants in such amounts on the motor vehicle\* fuel tax fund and  
 14 transmit them. There is hereby appropriated out of the money re-  
 15 ceived under the provisions of this chapter *and deposited in the motor*  
 16 *vehicle\* fuel tax fund* sufficient funds to pay such refunds as may be  
 17 authorized in this chapter.

18 *The general assembly may appropriate from the motor fuel tax*  
 19 *fund such amounts as it determines are necessary for administrative*  
 20 *expenses. Allocations and transfers of fees, taxes, interest, and penal-*  
 21 *ties imposed under this chapter, pursuant to any provision of the*  
 22 *Code, shall be made from the motor fuel tax fund.*

Approved June 10, 1971.

\*According to enrolled Act.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.



CHAPTER 58

HIGHER EDUCATION FACILITIES COMMISSION

S. F. 528

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the higher education facilities commission the following  
 3 amounts, or so much thereof as may be necessary, to be used for the  
 4 purposes designated:

	<u>1971-72</u>	<u>1972-73</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
7 1. SCHOLARSHIP PROGRAM. For each year of the biennium beginning 8 July 1, 1971, and ending June 30, 1973, to finance scholarships awarded 9 by the commission under section two hundred sixty-one point two 10 (261.2) of the Code, the following amounts: .....	\$290,000.00	\$235,000.00
11 .....		
12 2. MEDICAL STUDENT TUITION LOAN PROGRAM. For each year of the 13 biennium commencing July 1, 1971 and ending June 30, 1973, the fol- 14 lowing amounts: 15 To finance loans to Iowa resident medical students under the provi- 16 sions of section two hundred sixty-one point two (261.2) of the Code: 17 .....	\$150,000.00	\$150,000.00

1 SEC. 2. All federal grants to and the federal receipts of the higher  
 2 education facilities commission are appropriated for the purpose set  
 3 forth in the federal grants or receipts.

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

1 SEC. 4. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
 3 balances of appropriations made by this Act for the first fiscal year  
 4 of the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. The commission to which this appropriation is made  
 7 may make application to the appropriation committees for the  
 8 reappropriation of any funds that do revert, or probably will revert  
 9 upon the dates herein set and the respective appropriation committees  
 10 or a subcommittee thereof shall hold a hearing upon such application  
 11 while the general assembly is in regular session. In all other respects  
 12 the provisions of section eight point thirty-three (8.33) of the Code  
 13 shall apply to appropriations made for the first fiscal year of such  
 14 biennium. Unencumbered or unobligated balances of appropriations  
 15 made for the second fiscal year of such biennium shall be subject to  
 16 section eight point thirty-three (8.33) of the Code.

Approved June 19, 1971.

## CHAPTER 59

## HIGHER EDUCATION FACILITIES COMMISSION

## H. F. 731

AN ACT to appropriate from the general fund of the state to the higher education facilities commission.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state of Iowa to the higher education facilities commission for each  
3 fiscal year of the biennium beginning July 1, 1971 and ending June 30,  
4 1973, the following amounts, or so much thereof as may be necessary,  
5 to be used for the following designated purposes:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
6		
7		
8	HIGHER EDUCATION FACILITIES COMMISSION	
9	For salaries, support, maintenance and miscellaneous purposes: ....	
10	\$ 87,570.00	\$ 89,410.00

1 SEC. 2. All federal grants to and the federal receipts of the com-  
2 mission are appropriated for the purpose set forth in such federal  
3 grants or receipts.

1 SEC. 3. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of  
4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
5 revert to the state treasury and to the credit of the fund from which  
6 appropriated. The higher education facilities commission may make  
7 application to the committees on appropriations for the reappropria-  
8 tion of any funds that do revert, or probably will revert upon the dates  
9 herein set and the respective committees on appropriations or a sub-  
10 committee thereof shall hold a hearing upon the application while  
11 the general assembly is in regular session. In all other respects the  
12 provisions of section eight point thirty-three (8.33) of the Code shall  
13 apply to appropriations made for the first fiscal year of such bien-  
14 nium. Unencumbered or unobligated balances of appropriations made  
15 for the second fiscal year of such biennium shall be subject to section  
16 eight point thirty-three (8.33) of the Code.

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

Approved June 30, 1971.

## CHAPTER 60

## BOARD OF REGENTS

## H. F. 724

AN ACT to appropriate funds from the general fund of the state to the state board of regents and institutions under the control of the board and to the higher education facilities commission for the tuition grant program.

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

1 SECTION 1. For the state board of regents and institutions under  
2 the board of regents there is appropriated from the general fund of  
3 the state for the biennium beginning July 1, 1971, and ending June  
4 30, 1973, the following amounts, or so much thereof as may be neces-  
5 sary, to be used for the following purposes:

	1971-72 Fiscal Year	1972-73 Fiscal Year
8 1. OFFICE OF STATE BOARD OF REGENTS.		
9 For salaries, support, maintenance, equipment and miscellaneous		
10 purposes, including state board of regents members, receiving a per		
11 diem not to exceed forty dollars per day: .....		
12 .....	\$ 136,000.00	\$ 143,000.00
13 2. STATE UNIVERSITY OF IOWA.		
14 a. General university, including lakeside laboratory.		
15 For salaries, support, maintenance, equipment and miscellaneous		
16 purposes: .....	\$ 35,688,000.00	\$ 37,347,000.00
17 b. University hospitals.		
18 For salaries, support, maintenance, equipment and miscellaneous		
19 purposes; for medical and surgical treatment of indigent patients as		
20 provided in chapter two hundred fifty-five (255) of the Code: .....		
21 .....	\$ 8,738,000.00	\$ 8,738,000.00
22 c. Psychopathic hospital.		
23 For salaries, support, maintenance, equipment and miscellaneous		
24 purposes, and for the care, treatment and maintenance of committed		
25 and voluntary public patients therein: .....		
26 .....	\$ 2,186,000.00	\$ 2,278,000.00
27 d. Bacteriological laboratory.		
28 For salaries, support, maintenance, equipment and miscellaneous		
29 purposes: .....	\$ 787,000.00	\$ 827,000.00
30 e. Hospital school.		
31 For salaries, support, maintenance, equipment and miscellaneous		
32 purposes: .....	\$ 1,443,000.00	\$ 1,492,000.00
33 f. State sanatorium—Oakdale.		
34 For salaries, support, maintenance, equipment and miscellaneous		
35 purposes: .....	\$ 1,694,000.00	\$ 1,779,000.00
36 Total state university of Iowa: \$	50,536,000.00	\$ 52,461,000.00
37 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY.		
38 a. General university.		
39 For salaries, support, maintenance, equipment and miscellaneous		
40 purposes: .....	\$ 28,685,000.00	\$ 29,626,000.00
41 b. Agricultural experiment station.		
42 For salaries, support, maintenance, equipment and miscellaneous		
43 purposes: .....	\$ 3,966,000.00	\$ 4,123,000.00

44	c. Cooperative extension service in agriculture and home econom-		
45	ics.		
46	For salaries, support, maintenance, and miscellaneous purposes: ....		
47	.....	\$ 3,351,000.00	\$ 3,508,000.00
48	Total Iowa state university of science and technology: .....		
49	.....	\$ 36,002,000.00	\$ 37,257,000.00
50	4. UNIVERSITY OF NORTHERN IOWA.		
51	For salaries, support, maintenance, equipment and miscellaneous		
52	purposes: .....	\$ 11,234,000.00	\$ 12,095,000.00
53	5. IOWA BRAILLE AND SIGHT-SAVING SCHOOL.		
54	For salaries, support, maintenance, equipment and miscellaneous		
55	purposes: .....	\$ 895,000.00	\$ 936,000.00
56	6. STATE SCHOOL FOR THE DEAF.		
57	For salaries, support, maintenance, equipment and miscellaneous		
58	purposes: .....	\$ 1,614,000.00	\$ 1,691,000.00
59	Grand total of all appropriations for each fiscal year of the bien-		
60	niunium as provided by section one (1) of this Act: .....		
61	.....	\$100,417,000.00	\$104,583,000.00

1 SEC. 2. The board of regents may reallocate funds appropriated  
2 by paragraph "a" of subsection two (2) of section one (1), paragraph  
3 "a" of subsection three (3) of section one (1), and subsection four  
4 (4) of section one (1), of this Act among the institutions under its  
5 jurisdiction as long as the reallocation does not exceed the grand  
6 total figure appropriated to the board of regents by this Act.

1 SEC. 3. There is appropriated from the general fund of the state  
2 of Iowa to the higher education facilities commission for the bien-  
3 niunium beginning July 1, 1971 and ending June 30, 1973, the following  
4 amounts, or so much thereof as may be necessary, to be used for  
5 the following purpose:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
6		
7		
8	TUITION GRANT PROGRAM	
9	To finance tuition grants to full-time resident students attending	
10	accredited private institutions of higher education in Iowa under sec-	
11	tions two hundred sixty-one point nine (261.9) to two hundred sixty-	
12	one point sixteen (261.16), inclusive, of the Code: .....	
13	.....	\$ 4,000,000.00
		\$ 4,000,000.00

1 SEC. 4. The basic undergraduate resident student tuition fee shall  
2 not be increased during the period of July 1, 1971 to June 30, 1973.

1 SEC. 5. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
3 ances of appropriations made by this Act for the first fiscal year of the  
4 biennium commencing July 1, 1971 shall, on September 30, 1972, revert  
5 to the state treasury and to the credit of the fund from which appro-  
6 priated. The board of regents to which this appropriation is made may  
7 make application to the appropriations committees for the reappropri-  
8 ation of any funds that do revert, or probably will revert upon the  
9 dates herein set, and the respective appropriations committees or a  
10 subcommittee thereof shall hold a hearing upon such application while

11 the general assembly is in regular session. In all other respects the  
 12 provisions of section eight point thirty-three (8.33) of the Code shall  
 13 apply to appropriations made for the first fiscal year of such bien-  
 14 nium. Unencumbered or unobligated balances of appropriations made  
 15 for the second fiscal year of such biennium shall be subject to section  
 16 eight point thirty-three (8.33) of the Code.

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

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

1 SEC. 8. No moneys appropriated by this Act shall be used for  
 2 capital improvements.

Approved June 30, 1971.

## CHAPTER 61

### BOARD OF REGENTS

S. F. 584

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state for the biennium beginning July 1, 1971 and ending June 30,  
 3 1973, to the state board of regents the sum of nine hundred sixty-nine  
 4 thousand (969,000) dollars, or so much thereof as may be necessary,  
 5 to be used to supplement any prior appropriations for capital improve-  
 6 ment items for construction of new buildings, repairs, improvements,  
 7 purchase of land, replacements or alterations, or for any other capital  
 8 expenditures the board of regents may deem necessary for the proper  
 9 and necessary function of any institution under its jurisdiction.

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

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

1 SEC. 4. Any unencumbered balance of the funds appropriated by  
 2 this Act remaining on June 30, 1975 shall revert to the general fund  
 3 on June 30, 1975.

Approved June 30, 1971.

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## CHAPTER 62

### BOARD OF REGENTS

S. F. 588

AN ACT to provide an appropriation from the general fund of the state of Iowa to the state board of regents to replace building space and equipment lost through fire at the University of Northern Iowa.

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

1 SECTION 1. There is hereby appropriated to the state board of re-  
 2 gents from the general fund of the state of Iowa for the biennium be-  
 3 ginning July 1, 1971 and ending June 30, 1973, the sum of one hun-  
 4 dred forty-six thousand seven hundred fifty (146,750) dollars, or so  
 5 much thereof as may be necessary, to replace academic building space  
 6 and equipment lost through fire at the university of northern Iowa.

1 SEC. 2. The amount appropriated by this Act is in addition to any  
 2 prior appropriations for board of regents capital improvement items  
 3 or any appropriations for board of regents capital improvements  
 4 made by the Sixty-fourth General Assembly.

1 SEC. 3. Any unencumbered balance of the funds appropriated by  
 2 this Act remaining on June 30, 1975 shall revert to the general fund  
 3 on June 30, 1975.

Approved June 30, 1971.

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## CHAPTER 63

### BOARD OF REGENTS

S. F. 586

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the state board of regents for the biennium beginning July  
 3 1, 1971 and ending June 30, 1973, the sum of three million one hun-  
 4 dred fifty-one thousand (3,151,000) dollars, or so much thereof as  
 5 may be necessary, to be allocated by said board to the state university  
 6 of Iowa, the Iowa state university of science and technology, and the  
 7 university of northern Iowa in such amounts as may be necessary to

8 reimburse such institutions for deficiencies in their operating funds  
 9 resulting from the pledging of tuitions, student fees and charges and  
 10 institutional income to finance the cost of providing academic and  
 11 administrative buildings and facilities and utilities services at said  
 12 institutions of higher learning.

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

1 SEC. 3. Any balance remaining in the funds to which appropria-  
 2 tions are made by this Act, at the end of the first fiscal year of the  
 3 biennium shall carry forward to the beginning of the second fiscal  
 4 year of the biennium.

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

1 \*[SEC. 5. Chapter two hundred sixty-two A (262A), Code 1971,  
 2 is amended by adding the following new section:

3 On and after the taking effect of this Act, the board shall issue no  
 4 more bonds as provided for in this chapter. The state of Iowa shall  
 5 recognize and assume all obligations to see that bonds which have been  
 6 issued shall be paid with interest on or before maturity date.]

\*Approved July 2, 1971 except Item 5, designated as Section 5 here-  
 in, which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

## CHAPTER 64

### BOARD OF REGENTS

S. F. 587

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the state board of regents for the biennium beginning July 1,  
 3 1971 and ending June 30, 1973, the sum of one million (1,000,000) dol-  
 4 lars, or so much thereof as may be necessary, to be allocated by said  
 5 board to the state university of Iowa, the Iowa state university of sci-  
 6 ence and technology, and the university of northern Iowa in such  
 7 amounts as may be necessary to reimburse such institutions for defi-  
 8 ciencies in their operating funds resulting from the pledging of tui-  
 9 tions, student fees and charges and institutional income to finance the  
 10 cost of providing academic and administrative buildings and facilities  
 11 and utilities services at said institutions of higher learning.

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

1 SEC. 3. Any balance remaining in the funds to which appropria-  
2 tions are made by this Act, at the end of the first fiscal year of the  
3 biennium shall carry forward to the beginning of the second fiscal  
4 year of the biennium.

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

Approved June 30, 1971.

CHAPTER 65

SOCIAL SERVICES DEPARTMENT

S. F. 565

AN ACT making an appropriation to the department of social services and divisions thereof, including the board of parole, and providing for the administration thereof and providing for a study committee.

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

1 SECTION 1. There is appropriated from the general fund of the  
2 state for the biennium beginning July 1, 1971 and ending June 30,  
3 1973, for the department of social services, including the board of  
4 parole, for all purposes including public assistance, salaries, support,  
5 maintenance, repairs, replacement, alterations, equipment, and mis-  
6 cellaneous purposes for the department's general administration, bu-  
7 reau offices, institutions, welfare services, and parole services the fol-  
8 lowing amounts, or so much thereof as may be necessary, to be used  
9 in the manner designated:

10		1971-72	1972-73
11		<u>Fiscal Year</u>	<u>Fiscal Year</u>

12 1. GENERAL ADMINISTRATION AND DEPARTMENTAL OPERATIONS  
13 For the administration of the office of the commission of social  
14 services, including the council of social services, the office of the deputy  
15 commissioner, the office of the bureau of family and children services,  
16 the office of the bureau of adult correction services, the office of the  
17 bureau of medical services, the office of the bureau of mental health  
18 services, the office of the bureau of mental retardation services, the  
19 office of planning and budgeting, the office of administrative services,  
20 the office of personnel and staff development, the office of public in-  
21 formation, the office of architectural and engineering services, and all  
22 divisions thereof:

23 For salaries, support, maintenance, and miscellaneous purposes: ....  
24 .....\$ 2,171,228.00 \$ 2,183,672.00

25 2. AREA SERVICE AND ADMINISTRATION  
26 For the administration of area offices, for county services and ad-  
27 ministration, for work and training program service, and for adult  
28 probation and parole service: .....\$ 4,712,331.00 \$ 4,901,255.00

29 3. FAMILY AND CHILDREN'S SERVICES  
30 For the operation of the following institutions:



31	Iowa Annie Wittenmyer home, Davenport: .....		
32	.....	\$ 1,445,565.00	\$ 1,503,955.00
33	State juvenile home, Toledo: .....	\$ 1,179,839.00	\$ 1,229,469.00
34	Boys training school, Eldora: .....	\$ 2,135,540.00	\$ 2,183,466.00
35	Girls training school, Mitchellville: ..\$	765,660.00	\$ 788,220.00
36	Iowa soldiers' home, Marshalltown: ..\$	2,707,434.00	\$ 2,797,168.00
37	Total: .....	\$ 8,234,038.00	\$ 8,502,278.00
38	4. ADULT CORRECTIONS SERVICES		
39	For the operation of the following institutions and facilities:		
40	Iowa state penitentiary, Fort Madison: .....		
41	.....	\$ 3,394,732.00	\$ 3,510,523.00
42	Men's reformatory, Anamosa: .....	\$ 2,719,714.00	\$ 2,799,709.00
43	Women's reformatory, Rockwell City: .....		
44	.....	\$ 450,626.00	\$ 463,784.00
45	Iowa security medical facility, Oakdale: .....		
46	.....	\$ 1,515,165.00	\$ 1,571,279.00
47	Riverview release center, Newton: ..\$	483,872.00	\$ 494,653.00
48	Luster heights camp, McGregor: ....\$	78,660.00	\$ 80,750.00
49	Total: .....	\$ 8,642,769.00	\$ 8,920,698.00
50	5. ASSISTANCE GRANTS		
51	For the administration of the following assistance grants and for		
52	contractual services:		
53	Old age assistance: .....	\$14,862,970.00	\$15,200,000.00
54	Aid to the blind: .....	\$ 438,022.00	\$ 454,390.00
55	Aid to dependent children: .....	\$11,180,472.00	\$11,636,818.00
56	Work and training program: .....	\$ 813,000.00	\$ 830,000.00
57	Aid to the disabled: .....	\$ 1,308,140.00	\$ 1,361,533.00
58	Aid to Indians residing on a settlement: .....		
59	.....	\$ 30,000.00	\$ 30,000.00
60	Medical assistance: .....	\$12,350,000.00	\$12,428,769.00
61	Child Support Recoveries: .....	\$ 150,000.00	\$ 150,000.00
62	Contractual services—medical carrier: .....		
63	.....	\$ 615,000.00	\$ 615,000.00
64	Contractual services—other, including group homes and child wel-		
65	fare foster care: .....	\$ 925,000.00	\$ 925,000.00
66	Total: .....	\$42,672,604.00	\$43,631,510.00
67	6. MENTAL HEALTH SERVICES		
68	For the operation of the following mental health institutes:		
69	Mental health institute, Cherokee: ..\$	3,441,650.00	\$ 3,566,262.00
70	Mental health institute, Clarinda: ....\$	3,204,607.00	\$ 3,296,282.00
71	Mental health institute, Independence: .....		
72	.....	\$ 3,834,610.00	\$ 3,958,396.00
73	Mental health institute, Mt. Pleasant: .....		
74	.....	\$ 2,962,917.00	\$ 3,051,192.00
75	Total: .....	\$13,443,784.00	\$13,872,132.00
76	7. MENTAL RETARDATION SERVICES		
77	For the operation of the following state hospital-schools, including		
78	the central warehouse and the departmental dietary training school at		
79	Woodward:		
80	Glenwood state hospital-school: .....	\$ 5,429,830.00	\$ 5,572,530.00

81	Woodward state hospital-school: .....	\$ 5,550,080.00	\$ 5,745,190.00
82	Total: .....	\$10,979,910.00	\$11,317,720.00
83	8. SPECIFIED FEDERAL MATCHING FUNDS		
84	For the administration of specified federal matching funds for the		
85	mental health institute at Cherokee, and the mental health institute		
86	at Independence:		
87	For matching psychiatry—general psychiatry residency training,		
88	and psychiatry—basic residency federal funds at Cherokee: .....		
89	.....	\$ 58,730.00	\$ 59,740.00
90	For matching psychiatry—general psychiatry residency training,		
91	and psychiatry—basic residency federal funds at Independence: .....		
92	.....	\$ 27,300.00	\$ 29,440.00
93	Total: .....	\$ 86,030.00	\$ 89,180.00
94	9. BOARD OF PAROLE		
95	For the administration of the board of parole including salaries		
96	and travel: .....	\$ 35,992.00	\$ 36,253.00

1 SEC. 2. There is appropriated from the general fund of the state  
2 to the Iowa legislative council for the fiscal year beginning July 1,  
3 1971 and ending June 30, 1972, the sum of twenty-five thousand  
4 (25,000) dollars to be used for the purpose of conducting a study re-  
5 garding the present and future roles and adequacy of the mental health  
6 institutes and the existing institutions for juveniles under the depart-  
7 ment of social services, and to project future expansion, consolidation,  
8 or closing of these facilities.

9 The study shall be conducted by a study committee appointed by the  
10 Iowa legislative council from among members of the appropriate  
11 standing committees of the house of representatives and the senate,  
12 and shall include such citizen members as are deemed to be appro-  
13 priate. Four members shall be chosen from the house of representa-  
14 tives and four from the senate and shall consist of representatives of  
15 the two political parties.

16 The study committee shall report its findings and recommendations,  
17 including legislative bill drafts implementing same, to the Sixty-  
18 fourth General Assembly meeting in January, 1972.

1 SEC. 3. The budget of total expenditures for each institution under  
2 the department of social services during the biennium shall not ex-  
3 ceed the state appropriation and transfers under section eight point  
4 thirty-nine (8.39) of the Code for each institution set forth in this  
5 Act, except that the gross expenditure shall be adjusted by the main-  
6 tenance recovery from employees and receipts for individuals not  
7 sentenced, jail offenders of less than one year, work releases, and con-  
8 tracts with federal bureau of prisons for persons assigned to correc-  
9 tional institutions, in arriving at the total expenditure. Receipts from  
10 farm products may be used for farm expenses and repairs as needed  
11 with profits deposited in the state general fund.

12 Maintenance recovery is the rental charge to employees and inmates  
13 for room, apartment or house and meals.

14 All other institutional receipts shall be deposited in the state general  
15 fund.

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

1 SEC. 5. The mental health institutes daily per diem as determined  
2 by section two hundred thirty point twenty (230.20), Code 1971,  
3 shall be billed at eighty percent for the biennium.

1 SEC. 6. The state hospital schools' daily per diem as determined  
2 by section two hundred twenty-two point seventy-three (222.73),  
3 Code 1971, shall be billed at eighty percent for the biennium.

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

1 SEC. 8. Where the provisions of sections two hundred thirty-nine  
2 point twelve (239.12) and two hundred forty-one point twenty-one  
3 (241.21) of the Code, or any other provision of the laws of this state  
4 are in conflict with this Act in designating certain fund accounts to  
5 be used for certain purposes, the provisions of this Act shall govern  
6 for the biennium.

1 SEC. 9. Any balance remaining in the funds to which appropria-  
2 tions are made by this Act, at the end of the ensuing biennium, shall  
3 revert to the general fund of the state except that balances not to ex-  
4 ceed the following specified amounts may be retained in the following  
5 funds:

6	Aid to the blind fund: .....	\$ 60,000.00
7	Aid to dependent children fund: .....	\$1,200,000.00
8	Aid to the disabled fund: .....	\$ 105,000.00

1 SEC. 10. Notwithstanding the provisions of section eight point  
2 thirty-three (8.33) of the Code, all unencumbered or unobligated  
3 balances of appropriations made by this Act for the first fiscal year  
4 of the biennium commencing July 1, 1971 shall, on September 30,  
5 1972, revert to the state treasury, except funds appropriated in  
6 subsection five (5) of section one (1) for assistance grants, and to  
7 the credit of the fund from which appropriated. The department  
8 or board may make application to the committees on appropriations  
9 for the reapportionment of any funds that do revert, or probably will  
10 revert upon the dates herein set and the respective committees on  
11 appropriations or a subcommittee thereof shall hold a hearing upon  
12 such application while the general assembly is in regular session. In  
13 all other respects the provisions of section eight point thirty-three  
14 (8.33) of the Code shall apply to appropriations made for the first  
15 fiscal year of such biennium. Unencumbered or unobligated balances  
16 of appropriations made for the second fiscal year of such biennium  
17 shall be subject to section eight point thirty-three (8.33) of the Code.

1 SEC. 11. All federal grants to and the federal receipts of the  
2 agencies receiving funds under this Act are appropriated for the pur-  
3 pose set forth in the federal grants or receipts.

1 \* [SEC. 12. No person shall be admitted on a voluntary basis to a  
2 mental health institute under the control of the department of social  
3 services for the treatment of alcoholism unless he has been admitted to  
4 a facility defined in section one hundred twenty-three B point one  
5 (123B.1) of the Code, and referred by the facility to the mental health  
6 institute.]

1 SEC. 13. Any county which finds the regular one and one-half mill  
2 levy and the additional three mill emergency levy pursuant to section

3 two hundred fifty-two point forty-three (252.43) insufficient, may,  
 4 for the 1971-73 biennium only, with the approval of the state comp-  
 5 troller, levy not to exceed an additional two mills for such purposes,  
 6 the limitations of section two hundred fifty-two point forty-three  
 7 (252.43) notwithstanding.

\*Approved July 17, 1971, except for Item 12, designated as Section 12, which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

## CHAPTER 66

### SOCIAL SERVICES DEPARTMENT APPROPRIATION

S. F. 543

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

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the department of social services for the biennium commenc-  
 3 ing July 1, 1971 and ending June 30, 1973, the sum of three million  
 4 (3,000,000) dollars, or so much thereof as is necessary, to be used to  
 5 supplement any prior appropriations for capital improvement items  
 6 for construction of new buildings, repairs, improvements, replace-  
 7 ments, or alterations, or for any capital expenditures the department  
 8 of social services may deem necessary, except as otherwise provided  
 9 in this Act, for the proper and necessary function of any institution  
 10 under its jurisdiction, including the sum of one hundred twenty-four  
 11 thousand eight hundred (124,800) dollars to be used for air-condi-  
 12 tioning of the hospital building at the Iowa soldiers' home, Marshall-  
 13 town, Iowa.

1 \*[SEC. 2. Plans and specifications for improvements for which  
 2 funds are appropriated by this Act or previous Acts of the general  
 3 assembly shall be submitted by the department of social services to  
 4 the budget and financial control committee for approval, except that  
 5 items commonly known as change orders need not be submitted to  
 6 the budget and financial control committee unless such change orders  
 7 increase the total cost of that particular project.]

1 SEC. 3. Funds appropriated by this Act shall not be used for any  
 2 capital improvements at the four mental health institutes or the insti-  
 3 tutions for juveniles located at Davenport and Toledo, Iowa, under the  
 4 control of the department of social services, however such funds may  
 5 be used for repairs of an emergency nature at such institutes and  
 6 institutions.

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

1 SEC. 5. Funds appropriated by this Act shall not be subject to  
 2 reversion as provided in section eight point thirty-three (8.33) of  
 3 the Code, however, any unencumbered balance of the appropriation  
 4 made by this Act remaining as of June 30, 1975, shall revert to the  
 5 general fund of the state as of June 30, 1975.

\*Approved June 16, 1971, except Item 2 designated as Section 2  
 herein which is hereby disapproved.

S/ROBERT D. RAY, *Governor*

## CHAPTER 67

### WAR ORPHANS AND BONUS BOARD

H. F. 606

AN ACT relating to war orphans' educational aid fund and making an appropriation  
 to the bonus board.

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

1 SECTION 1. There is appropriated for the soldiers' bonus board  
 2 for each fiscal year of the biennium commencing July 1, 1971 and  
 3 ending June 30, 1973, the following amounts, or so much thereof as  
 4 may be necessary, to be used in the manner designated:

	1971-72	1972-73
	<u>Fiscal Year</u>	<u>Fiscal Year</u>

7 BONUS BOARD, WAR ORPHANS' EDUCATIONAL AID FUND

8 For the purpose of administration and aiding in the education of  
 9 children of honorably discharged soldiers, sailors, marines, nurses, or  
 10 other component part of the military forces of this state or nation as  
 11 specified in section thirty-five point nine (35.9), Code 1971: .....

12 .....\$ 55,000.00      \$ 55,000.00

1 SEC. 2. Section thirty-five point nine (35.9), Code 1971, is  
 2 amended by adding the following new paragraph:

3 "A child eligible to receive funds under the provisions of this sec-  
 4 tion shall not receive more than two thousand dollars during his life-  
 5 time."

1 SEC. 3. All federal grants to and the federal receipts of the bonus  
 2 board are appropriated for the purpose set forth in the federal grants  
 3 or receipts.

1 SEC. 4. No moneys appropriated by this Act shall be used for capi-  
 2 tal improvements. Any balance remaining in the funds for which  
 3 appropriations are made by this Act at the end of the first fiscal year  
 4 of the biennium shall carry forward to the second fiscal year of the  
 5 biennium.

Approved June 14, 1971.

## CHAPTER 68

## CHILD LABOR COMMITTEE

S. F. 589

AN ACT to make appropriations to members of the committee on child labor for per diem and expense claims for services rendered.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the following named persons the amounts set opposite their  
 3 respective names in full settlement of all per diem and expense claims  
 4 they may have against the state for services rendered through June 7,  
 5 1971 as appointive members representing the public of the committee  
 6 on child labor in accordance with chapter ninety-two (92) of the Code:  
 7 Penelope Binger .....\$533.75  
 8 Patrick E. Glenn .....\$326.51

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

Approved June 30, 1971.

## CHAPTER 69

## HIGHWAY PATROL CAR DAMAGE

S. F. 580

AN ACT relating to an appropriation for payment of certain damages occasioned by the nonnegligent operation of an Iowa highway safety patrol vehicle.

WHEREAS, on April 25, 1969, an on-duty state highway safety patrolman was operating his patrol car in Maquoketa, Iowa, and had no knowledge he was afflicted with functional hypoglycemia; and

WHEREAS, this condition caused the state highway safety patrolman to "black out" and lose control of his patrol car; and

WHEREAS, the patrol car crashed into the Hi-Way Market located on state highway 61 in Maquoketa, Iowa, causing damages to the building and its contents; and

WHEREAS, the owners of the building have sustained a loss through no fault of their own and have filed a claim with the state appeal board which was rejected due to lack of negligence on the part of the state highway safety patrolman, NOW THEREFORE,

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

1 SECTION 1. That there is hereby appropriated out of any funds in  
 2 the state treasury not otherwise appropriated, the sum of five thou-

3 sand seven hundred and eighty-nine (5,789) dollars, to be paid in the  
4 manner and for the purpose provided in section two (2) of this Act.

1 SEC. 2. The state comptroller is authorized and directed to issue  
2 his warrant for the amount appropriated by this Act to Donald and  
3 Pauline Streets of Maquoketa, Iowa, and the treasurer of 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 sum by said persons shall be in full settle-  
2 ment of all claims they may hold against the state of Iowa for the  
3 circumstances which gave rise to claim number T-1320-64 filed with  
4 the state appeal board on March 21, 1970.

Approved June 30, 1971.

## CHAPTER 70

### CLAIMS

H. F. 699

AN ACT to make appropriations to certain 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 appropriated from the general fund of the  
2 state of Iowa to the following named persons the amount set opposite  
3 their respective names in full settlement of all claims which they may  
4 have against the state of Iowa.

5 Claimant	Claim No.	Nature of Claim	Amount
6 Beatrice Foods Company 7 Ottumwa, Iowa	1580-64-25	License fee refund	\$560.00
8 Elsie M. Miles 9 Spencer, Iowa	1315-64-25	Refund for real es- tate transfer tax	\$ 9.35
10 Evelyn Anderson 11 Des Moines, Iowa	1406-64-25	Retroactive salary increase	\$ 52.50
12 Eugene Schmidt 13 Lost Nation, Iowa	1221-64-25	Gas tax refund	\$ 21.00

Approved June 14, 1971.

## CHAPTER 71†

### REVERSION OF APPROPRIATIONS

S. F. 179

AN ACT relating to the expenditure and appropriation of state funds.

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

1 SECTION 1. The following amounts of the appropriations made to  
2 the various departments and agencies for capital expenditure pur-

†See Editor's note, page iii.

3	suant to the following enumerated Acts shall revert to the general	
4	fund of the state on the effective date of this Act:	
5	1. Acts of the Sixty-second General Assembly:	
6	(a) Chapter three (3) .....	\$ 358,410.29
7	(b) Chapter six (6) .....	2,742,000.00
8	(c) Chapter eleven (11) .....	564,090.70
9	(d) Chapter twenty-three (23) .....	60,000.00
10	(e) Chapter twenty-eight (28) .....	434,167.00
11	(f) Chapter thirty-three (33) .....	10,000.00
12	(g) Chapter forty (40) .....	37,396.64
		<hr/>
13	Total .....	\$4,206,064.63
14	2. Acts of the Sixty-third General Assembly, First	
15	Session:	
16	(a) Chapter one (1), Section one (1), subsection	
17	eleven (11) .....	125,000.00
18	(b) Chapter one (1), Section one (1), subsection	
19	thirty-two (32) .....	4,000.00
20	(c) Chapter sixteen (16) .....	57,600.00
21	(d) Chapter twenty-three (23) .....	128,665.00
22	(e) Chapter twenty-four (24) .....	81,000.00
23	(f) Chapter thirty-five (35) .....	80,126.24
24	(g) Chapter forty-three (43) .....	2,961.01
25	(h) Chapter fifty-five (55) .....	1,092,177.13
		<hr/>
26	Total .....	\$1,571,529.38
27	3. Acts of the Sixty-third General Assembly, Second	
28	Session:	
29	(a) Chapter one thousand two hundred five (1,205),	
30	section seven (7). .....	\$ 5,000.00

1 SEC. 2. Notwithstanding any contrary statute, an executive de-  
2 partment or agency of this state shall not expend funds for out-of-  
3 state travel between the effective date of this Act and July 1, 1971,  
4 except when a request for such out-of-state travel receives the ap-  
5 proval of no less than three members of the executive council after a  
6 showing by the affected state department or agency that the out-of-  
7 state travel will be of critically urgent value to the agency and its  
8 employees and of substantial benefit to the state. This section shall  
9 not apply to travel paid solely from funds other than those appro-  
10 priated by the General Assembly and derived from general state  
11 revenues.

1 SEC. 3. Notwithstanding any contrary statute, an executive de-  
2 partment or agency of this state shall not hire or employ any person  
3 in addition to those employed on the effective date of this Act, between  
4 the effective date of this Act and July 1, 1971, except as provided in  
5 this section. No vacancy shall be filled by any executive department  
6 or agency except as provided in this section. An executive department  
7 or agency which desires to employ any person prior to July 1, 1971  
8 shall do so only after receiving the approval of no less than three  
9 members of the executive council upon a showing by the affected state  
10 department or agency that if a person is not hired it will result in



11 extreme hardship to the department or agency or substantially affect  
12 the operation of the department or agency. This section shall not  
13 prohibit the hiring or employing of any person who will commence  
14 his employment on July 1, 1971 or at any time thereafter. This section  
15 shall not apply to employment paid solely from funds other than those  
16 appropriated by the General Assembly and derived from general state  
17 revenues.

1 SEC. 4. Notwithstanding any contrary statute, an executive de-  
2 partment or agency shall not rent or lease any office space or real prop-  
3 erty between the effective date of this Act and July 1, 1971 except as  
4 provided in this section. Any executive department or agency which  
5 desires to rent or lease office space or real property during the time  
6 between the effective date of this Act and July 1, 1971 shall do so only  
7 after receiving the approval of no less than three members of the  
8 executive council upon a showing by the affected state department or  
9 agency that if such office space or real property is not rented or leased  
10 it will result in an extreme hardship to the department or agency or  
11 substantially affect the operation of the department or agency. This  
12 section shall not affect any agreements executed for the rent or lease  
13 of office space or real property prior to the effective date of this Act.

1 SEC. 5. Notwithstanding any contrary statute, an executive de-  
2 partment or agency shall not purchase any motor vehicle, equipment,  
3 or excessive amounts of supplies or printing between the effective  
4 date of this Act and July 1, 1971, except when a request for any such  
5 purchase receives the approval of no less than three members of the  
6 executive council after a showing by the department or agency that if  
7 a certain purchase is not approved it will result in extreme hardship  
8 to the department or agency or substantially affect the operation of  
9 the department or agency.

1 SEC. 6. Section nineteen point seven (19.7), unnumbered para-  
2 graph two (2), Code 1971, is amended as follows:  
3 The proceeds of such loan shall be applied toward the payment of  
4 costs and obligations necessitated by such actual or potential disaster  
5 and the reimbursement of local funds from which such expenditures  
6 have been made. Any such project for repair, rebuilding or restora-  
7 tion of state property for which no specific appropriation has been  
8 made, shall, before work is begun thereon, be subject to approval or  
9 rejection by the budget and financial control committee.

1 SEC. 7. The executive council shall forthwith notify the legislative  
2 fiscal director of all applications by any department or agency pur-  
3 suant to this Act and the action taken by the council thereon. The  
4 fiscal director shall assess the impact upon the state treasury of any  
5 such action of the executive council and report it to the members of  
6 the budget and financial control committee.

1 SEC. 8. There is hereby appropriated from the general fund of the  
2 state for the biennium beginning July 1, 1971, and ending June 30,  
3 1973, to the state board of regents and the department of public in-  
4 struction, the following amounts, or so much thereof as may be neces-  
5 sary to be used for the following purposes, to wit:

- 6 1. State board of regents:
- 7 For the phase one construction of a veterinary medi-
- 8 cine facility at Iowa state university of science and tech-
- 9 nology .....\$2,400,000.00
- 10 2. Public instruction, department of:
- 11 To match or supplement federal funds to be expended
- 12 by the United States Treasury or local funds for con-
- 13 struction of area vocation schools..... 434,167.00
- 14 3. Any unencumbered balance remaining as of June 30, 1973, of
- 15 the funds appropriated by this section of this Act shall revert to the
- 16 general fund of the state as of June 30, 1973.

1 SEC. 9. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The  
 3 Sheldon Mail, a newspaper published in Sheldon, Iowa, and in Charit-  
 4 on Herald-Patriot, a newspaper published in Chariton, Iowa.

Approved March 29, 1971.

I hereby certify that the foregoing Act, Senate File 179, was published in The Sheldon Mail, Sheldon, Iowa, April 7, 1971, and in the Chariton Herald-Patriot, Chariton, Iowa, April 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 72

SCHOOL TAX LIMITATIONS

H. F. 121

AN ACT to provide limitations on the property tax levy for the general fund budget of school districts, county boards of education, and joint county boards of education and to make an appropriation to the department of public instruction for allocation to school districts.

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

1 SECTION 1. Except as provided for special education expenditures  
 2 in section three (3) of this Act, a school district of this state shall not  
 3 certify for the fiscal year commencing July 1, 1971, an amount of  
 4 money to be raised by property taxes for the general fund budget in  
 5 excess of the amount received by the district for the general fund  
 6 budget raised by property taxes for the fiscal year commencing July 1,  
 7 1970, unless, because of extraordinary and unusual circumstances, the  
 8 school district receives permission from the school budget review com-  
 9 mittee.  
 10 As used in this section, the amount received by the district for the  
 11 fiscal year commencing July 1, 1970, includes the amount received by  
 12 the district as its share of the basic school tax levied equally in the  
 13 basic school tax unit, as provided in sections four hundred forty-two  
 14 point four (442.4) and four hundred forty-two point six (442.6) of  
 15 the Code, and the amount raised by the district as an additional tax  
 16 as provided in section four hundred forty-two point seventeen (442.17)  
 17 of the Code. Subject to the limitations on amounts provided in this

18 Act, the method of levying and distributing the basic school tax shall  
19 remain the same for the fiscal year commencing July 1, 1971, as it was  
20 for the fiscal year commencing July 1, 1970, and as provided in sections  
21 four hundred forty-two point four (442.4), four hundred forty-two  
22 point six (442.6), and four hundred forty-two point eight (442.8) of  
23 the Code.

24 The amount of the basic school tax levied in each basic school tax  
25 unit in the state for the fiscal year commencing July 1, 1971, shall be  
26 the same amount as the basic school tax levied for that basic school  
27 tax unit for the fiscal year commencing July 1, 1970, and except as  
28 otherwise provided in this Act, the amount of additional money to be  
29 provided by a property tax levy in each school district in the state for  
30 the fiscal year commencing July 1, 1971, as provided in section four  
31 hundred forty-two point seventeen (442.17) of the Code, shall not  
32 exceed the amount of additional money provided by the property tax  
33 levied for that school district for the fiscal year commencing July 1,  
34 1970, and no school district shall levy any other amounts for general  
35 fund expenditures for the fiscal year commencing July 1, 1971, in  
36 excess of the amounts levied by that district for general fund expendi-  
37 tures for the year commencing July 1, 1970.

38 The intent of this Act is to make available to each school district in  
39 the state for general fund expenditures for the fiscal year commencing  
40 July 1, 1971, an amount received from property and income taxes equal  
41 to but not greater than the amount received from property and income  
42 taxes by each school district in the state for general fund expenditures  
43 for the fiscal year commencing July 1, 1970, except as otherwise pro-  
44 vided in case of special education, extraordinary and unusual circum-  
45 stances, and state aid.

46 Extraordinary and unusual circumstances for the purpose of this  
47 section are circumstances which materially affect the school district's  
48 financial status and which will require significant expenditures in  
49 addition to the moneys received from the property tax levy and income  
50 tax distributed pursuant to this Act and the appropriation in section  
51 six (6) of this Act. The school board requesting permission shall have  
52 the burden of proof to establish that all available means have been  
53 used by it to reduce the costs of the school district.

54 The limitations imposed in this Act shall apply to a school district  
55 which has reorganized since July 1, 1970, but the limitation for the  
56 reorganized district shall be based upon the combined general fund  
57 budgets of the school districts involved in the reorganization.

1 SEC. 2. If a school district is granted permission by the school  
2 budget review committee to increase the amount to be raised by  
3 property taxes for the general fund budget in excess of the allowable  
4 limits imposed under section one (1) of this Act, the state comptroller  
5 shall give written notice of the amount of the increase allowed by the  
6 school budget review committee to the county auditor, county board  
7 of supervisors, and the board of directors of the school district.

1 SEC. 3. A county board of education or joint county board of educa-  
2 tion shall not certify for the fiscal year commencing July 1, 1971, or  
3 the fiscal year commencing January 1, 1972, an amount of money to  
4 be raised by property taxes for the general fund budget in excess of  
5 one hundred one and one-half percent of the amount of money raised

6 by property taxes for general fund expenditures for the fiscal year  
7 commencing July 1, 1970, or the fiscal year commencing January 1,  
8 1971.

9 In lieu of the limitations provided in section one (1) of this Act  
10 and in this section, expenditures for special education other than  
11 administrative expenditures are subject to the following limitations:

12 1. A school district, county board of education, or joint county  
13 board of education shall not certify for the general fund budget for  
14 such special education expenditures for the fiscal year commencing  
15 July 1, 1971, or January 1, 1972, an amount per pupil receiving  
16 special education in excess of one hundred five and three-tenths per-  
17 cent of the per pupil expenditure certified for such special education  
18 expenditures for the fiscal year beginning July 1, 1970, or January  
19 1, 1971, for use in existing programs for the number of pupils receiv-  
20 ing benefits therefrom on the 1970 fall enrollment date.

21 2. In addition to the amounts provided in subsection one (1) of this  
22 section, and notwithstanding the limitations otherwise provided in this  
23 Act, a school district, county board of education, or joint county board  
24 of education may certify and receive additional moneys to expand  
25 special education programs for the fiscal year commencing July 1, 1971,  
26 or January 1, 1972. However, this exception applies only to those  
27 special education programs or courses which would have qualified for  
28 state reimbursement pursuant to chapter two hundred eighty-one  
29 (281) of the Code, as interpreted by the rules and regulations of the  
30 state department of public instruction effective on July 1, 1970.

31 3. If, for the 1971-1972 school year, responsibility for a special  
32 education pupil is transferred from a school district to a county or joint  
33 county board of education, or from a county or joint county board of  
34 education to a school district, the moneys budgeted for that pupil shall  
35 be transferred to the district or board which accepts responsibility for  
36 the pupil, or a proportionate amount shall be transferred if the change  
37 is made during the school year.

1 SEC. 4. If a school district certifies an amount of money to be  
2 raised by property taxes for the general fund budget for the fiscal year  
3 commencing July 1, 1971, in excess of the limitations imposed under  
4 section one (1) of this Act and the school district, county auditor, or  
5 county board of supervisors has received no notice from the state  
6 comptroller allowing the increase; or if a county board of education or  
7 joint county board of education certifies an amount of money to be  
8 raised by property taxes for the general fund budget for the fiscal  
9 year commencing July 1, 1971, or the fiscal year commencing January  
10 1, 1972, in excess of the limitations imposed under section three (3)  
11 of this Act, other than the limitations relating to special education  
12 expenditures, the county auditor shall adjust the amount of money  
13 to be raised by property taxes for the general fund budget to the  
14 amount allowed under section one (1) or section three (3) of this Act  
15 and give written notice to the school district, county board of educa-  
16 tion, or joint county board of education, certifying the amount allowed.

1 SEC. 5. Notwithstanding the provisions of section four hundred  
2 forty-two point eight (442.8) of the Code, for the fiscal year com-  
3 mencing July 1, 1971, the state comptroller shall distribute the  
4 amount appropriated pursuant to section four hundred forty-two

5 point seven (442.7) of the Code, to each school district in an amount  
6 equal to the amount distributed to that school district for the fiscal  
7 year commencing July 1, 1970.

8 The difference between the amount appropriated under section four  
9 hundred forty-two point seven (442.7) of the Code and the amount to  
10 be allocated to the local school districts for the fiscal year commencing  
11 July 1, 1971, is appropriated to the school budget review committee.  
12 The school budget review committee shall distribute these funds to the  
13 various school districts which have an increased public school fall  
14 enrollment in excess of five percent for the school year 1971-1972 over  
15 the school year 1970-1971. The school budget review committee shall  
16 determine the needs of school districts with increased fall enrollments  
17 and shall distribute the funds to each school district on the basis of  
18 need as determined by the school budget review committee and on the  
19 basis of the number of pupils in excess of the five percent increased  
20 fall enrollment, and any funds not allocated by the school budget  
21 review committee shall revert to the general fund as of June 30, 1972.  
22 However, the maximum to be distributed to a school district under  
23 this section shall be computed as follows:

24 1. Determine the number of public school pupils enrolled in the dis-  
25 trict on the 1971 fall enrollment date which is in excess of five percent  
26 over the number enrolled in the district on the 1970 fall enrollment  
27 date.

28 2. Multiply the number obtained under subsection one (1) of this  
29 section by the per pupil average of all state aid distributed for the  
30 school year 1971-1972 pursuant to section six (6) of this Act and the  
31 income tax distributed pursuant to section five (5) of this Act, for the  
32 fiscal year commencing July 1, 1971.

1 SEC. 6. There is appropriated from the general fund of the state  
2 to the department of public instruction for the fiscal year beginning  
3 July 1, 1971 and ending June 30, 1972, the sum of one hundred fifteen  
4 million (115,000,000) dollars, plus an amount equal to forty-five (45)  
5 dollars for each pupil enrolled in public schools in the state, as deter-  
6 mined by 1971 public school fall enrollment. Of this amount, one  
7 hundred fifteen million (115,000,000) dollars, or so much thereof as  
8 may be necessary, shall be distributed to each of the school districts  
9 in an amount equal to the amount of state equalization aid distributed  
10 to each school district for the fiscal year commencing July 1, 1970.  
11 The remaining sum appropriated, or so much thereof as may be neces-  
12 sary, shall be distributed on the basis of forty-five (45) dollars for  
13 each pupil enrolled in a public school in each school district, as deter-  
14 mined by 1971 public school fall enrollment. The state comptroller  
15 shall issue warrants for the amount due each school district on an  
16 equal quarterly basis, except that the forty-five dollars per pupil shall  
17 be distributed in three equal payments beginning with the second  
18 quarter.

1 SEC. 7. Shared-time students shall be computed on the 1971 public  
2 school fall enrollment, and shall participate in the forty-five dollars for  
3 each pupil enrolled in a public school in each school district as appro-  
4 priated in section six (6) of this Act. Shared-time student participa-  
5 tion shall be counted on the basis of number of hours of instruction in  
6 a public school, proportionate to a full-time student enrolled in the  
7 district.

1 SEC. 8. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Sioux  
 3 Center News, a newspaper published in Sioux Center, Iowa, and in The  
 4 DeWitt Observer, a newspaper published in DeWitt, Iowa.

Approved March 26, 1971.

I hereby certify that the foregoing Act, House File 121, was published in The Sioux Center News, Sioux Center, Iowa, April 15, 1971, and in The DeWitt Observer, DeWitt, Iowa, April 5, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 73

### SCHOOL BUDGETS REVIEW

#### H. F. 686

AN ACT relating to the review of school budgets for the school year commencing July 1, 1971 by the school budget review committee, and the filing of tentative budgets by individual school districts.

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

1 SECTION 1. For the school year commencing July 1, 1971 only,  
 2 the school budget review committee shall meet in May, 1971 and June,  
 3 1971 pursuant to the provisions of chapter four hundred forty-two  
 4 (442) of the Code and House File one hundred twenty-one (121), Acts  
 5 of the Sixty-fourth General Assembly, First Session. In addition, the  
 6 school budget review committee may meet at any other time during  
 7 the year, at the call of the chairman.

8 For the purpose of evaluating extraordinary and unusual circum-  
 9 stances, the committee may request tentative budgets from any  
 10 school board proposing a budget exceeding the limitation stated in  
 11 House File one hundred twenty-one (121),\* Acts of the Sixty-fourth  
 12 General Assembly, First Session. The committee shall make judg-  
 13 ments and decisions based upon the tentative budgets filed. If neces-  
 14 sary, the committee may request the local school district to appear be-  
 15 fore the committee for further explanation regarding the extra-  
 16 ordinary and unusual circumstances. The decision of the committee  
 17 is binding on the local school district, and the local school district  
 18 shall prepare its final budget based on the decision of the committee.

1 SEC. 2. Nothing in this Act shall preclude the committee from  
 2 holding its regular meetings in September, 1971, pursuant to section  
 3 four hundred forty-two point twenty-one (442.21) of the Code.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in Patriot-  
 3 Chronicle, a newspaper published in What Cheer, Iowa, and in The  
 4 Colfax Tribune, a newspaper published in Colfax, Iowa.

Approved June 10, 1971.

I hereby certify that the foregoing Act, House File 686, was published in the Patriot-Chronicle, What Cheer, Iowa, June 17, 1971, and in The Colfax Tribune, Colfax, Iowa, June 17, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

\*Chapter 72.

## CHAPTER 74

## BASIC SCHOOL TAX IN CERTAIN COUNTIES

S. F. 462

AN ACT relating to property tax levies for the basic school tax in Ida, Johnson, and Kossuth counties.

WHEREAS, section four hundred forty-two point eight (442.8), Code 1971, provides for distribution of forty percent of budget review committee limitations to school districts not so limited; and

WHEREAS, all school districts in Ida, Johnson, and Kossuth counties were so limited; and

WHEREAS, administration of the formula under the above circumstances caused excess amounts to be raised in each of the above-named counties without provision for distribution of the excess amounts; and

WHEREAS, corrective measures are required in these three counties; NOW THEREFORE,

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

1 SECTION 1. The maximum dollar amount of property tax which  
2 may be distributed from the county basic school tax to the schools  
3 of Ida county for the 1970-71 school year is five hundred forty-three  
4 thousand six hundred forty-six (543,646) dollars. Because five hun-  
5 dred ninety thousand five hundred forty-eight (590,548) dollars was  
6 levied and is being collected in 1971, there exists an excess amount  
7 in the county basic school tax equalization fund totaling forty-six  
8 thousand nine hundred two (46,902) dollars. Because each school dis-  
9 trict is limited for the 1971-72 school year to the amount of property  
10 tax revenue it received for the 1970-71 school year, the excess amount  
11 levied shall be subtracted from the maximum amount which may be  
12 distributed for the 1971-72 school year, resulting in the amount of  
13 four hundred ninety-six thousand seven hundred forty-four (496,744)  
14 dollars which is the amount to be raised by the uniform basic school  
15 tax levy in the Ida county basic school tax unit in 1971, collectible in  
16 1972.

1 SEC. 2. The maximum dollar amount of property tax which may  
2 be distributed from the county basic school tax to the schools of  
3 Johnson county for the 1970-71 school year is three million two hun-  
4 dred fifty-three thousand four hundred sixty-six (3,253,466) dollars.  
5 Because three million five hundred ninety-six thousand one hundred  
6 forty (3,596,140) dollars was levied and is being collected in 1971,  
7 there exists an excess amount in the county basic school tax equaliza-  
8 tion fund totaling three hundred forty-two thousand six hundred  
9 seventy-four (342,674) dollars. Because each school district is lim-  
10 ited for the 1971-72 school year to the amount of property tax reve-  
11 nue it received for the 1970-71 school year, the excess amount levied  
12 shall be subtracted from the maximum amount which may be distrib-  
13 uted for the 1971-72 school year, resulting in the amount of two  
14 million nine hundred ten thousand seven hundred ninety-two  
15 (2,910,792) dollars which is the amount to be raised by the uniform  
16 basic school tax levy in the Johnson county basic school tax unit in  
17 1971, collectible in 1972.

1 SEC. 3. The maximum dollar amount of property tax which may  
 2 be distributed from the county basic school tax to the schools of Kos-  
 3 suth county for the 1970-71 school year is three hundred twenty-five  
 4 thousand two hundred seventy (325,270) dollars. Because four hun-  
 5 dred thousand two hundred eighty-eight (400,288) dollars was levied  
 6 and is being collected in 1971, there exists an excess amount in the  
 7 county basic school tax equalization fund totaling seventy-five thou-  
 8 sand one hundred eight (75,108) dollars. Because each school dist-  
 9 rict is limited for the 1971-72 school year to the amount of property  
 10 tax revenue it received for the 1970-71 school year, the excess amount  
 11 levied shall be subtracted from the maximum amount which may be  
 12 distributed for the 1971-72 school year, resulting in the amount of  
 13 two hundred fifty thousand one hundred sixty-two (250,162) dollars  
 14 which is the amount to be raised by the uniform basic school tax levy  
 15 in the Kossuth county basic school tax unit in 1971, collectible in 1972.

Approved May 14, 1971.

## CHAPTER 75

### BUDGET AND FINANCIAL CONTROL COMMITTEE

S. F. 572

AN ACT relating to the control and use of state funds, powers and duties of the budget and financial control committee and providing an appropriation.

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

1 SECTION 1. There is appropriated from the general fund of the  
 2 state to the state budget and financial control committee for each fiscal  
 3 year of the biennium commencing July 1, 1971 and ending June 30,  
 4 1973, the following amounts, or so much thereof as may be necessary,  
 5 to be used in the manner designated:

	1971-72	1972-73
	Fiscal Year	Fiscal Year
8 For salaries, support, maintenance and miscellaneous purposes: ....		
9 .....	\$95,000.00	\$105,000.00

10 Funds appropriated to the budget and financial control committee  
 11 shall be administered by the budget and financial control committee  
 12 and allocations from the fund may be made only for the following:

13 1. Compensation and expenses of the members of the budget and  
 14 financial control committee and its staff authorized by section two  
 15 point forty-five (2.45) of the Code.

16 2. Payment of obligations incurred under the provisions of sub-  
 17 section six (6) of section two point forty-four (2.44) and section  
 18 two point forty-six (2.46) of the Code.

1 SEC. 2. **Sale of agricultural products.** The proceeds from the sale  
 2 of any livestock or agricultural product by any institution under the  
 3 control of the department of social services shall be deposited with

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.



4 the treasurer of state and credited to the account of the institution  
5 making the sale to be used for farm operating expenses and repairs.

1 \* [SEC. 3. Section two hundred eighteen point ninety-four (218.94),  
2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 The commissioner of the department of social services shall have  
4 full power, subject to the approval of the executive council *and after*  
5 *receiving the recommendation of the budget and financial control com-*  
6 *mittee* to secure options to purchase real estate and to acquire and sell  
7 real estate for the proper use of said institutions. Real estate shall  
8 be acquired and sold upon such terms and conditions as the commis-  
9 sioner may recommend subject to the approval of the executive coun-  
10 cil *and after receiving the recommendation of the budget and finan-*  
11 *cial control committee.* Upon sale of such real estate, the proceeds  
12 thereof shall be deposited with the treasurer of state and credited to  
13 [the general fund of the state] *a special trust fund to be held in such*  
14 *fund for the department of social services until the general assembly*  
15 *appropriates such funds.* [There is hereby appropriated from the  
16 general fund of the state a sum equal to the proceeds so deposited and  
17 credited to the general fund of the state to the department of social  
18 services, which with the prior approval of the executive council may  
19 be used to purchase other real estate or for capital improvements  
20 upon property under such commissioner's control.] ]

1 \* [SEC. 4. **Capital improvements.** Before expending any funds for  
2 the construction of new buildings, repairs, improvements, replace-  
3 ments, or alterations, or any other capital expenditures, the contracts,  
4 plans and specifications, or plan of operation for improvements, shall  
5 be submitted to the budget and financial control committee for its rec-  
6 ommendation.]

1 \* [SEC. 5. Section two hundred sixty-two point nine (262.9), sub-  
2 section five (5), Code 1971, is amended as follows:

3 5. With the approval of the executive council, acquire real estate  
4 for the proper uses of said institutions, and dispose of real estate be-  
5 longing to said institutions when not necessary for their purposes. A  
6 disposal of such real estate shall be made upon such terms, conditions  
7 and consideration as the board may recommend and subject to the  
8 approval of the executive council *and after receiving the recommen-*  
9 *dation of the budget and financial control committee.* [If real estate  
10 subject to sale hereunder has been purchased or acquired from appro-  
11 priated funds, the] *The* proceeds of such sale shall be deposited with  
12 the treasurer of state and credited to [the general fund of the state]  
13 *a special trust fund to be held in such fund for the board of regents*  
14 *until the general assembly appropriates such funds.* [There is here-  
15 by appropriated from the general fund of the state a sum equal to  
16 the proceeds so deposited and credited to the general fund of the state  
17 to the state board of regents which, with the prior approval of the  
18 executive council, may be used to purchase other real estate and  
19 buildings, and for the construction and alteration of buildings, and  
20 other capital improvements.] All transfers shall be by state patent  
21 in the manner provided by law.]

1 SEC. 6. Section two point forty-seven (2.47), Code 1971, is  
2 amended by adding the following new subsection:

3 "Prepare quarterly and submit to each member of the general as-  
 4 sembly a report of the current status of major state funds, a com-  
 5 parison of income with estimates used by the general assembly dur-  
 6 ing the first session of each general assembly, and other revenue and  
 7 expenditure information which the budget and financial control com-  
 8 mittee determines will be informative for members of the general  
 9 assembly. The state comptroller shall cooperate with the legislative  
 10 fiscal director in the development of the report and the budget and  
 11 financial control committee shall approve the style and format of the  
 12 report."

1 SEC. 7. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. In all other respects the provisions of section eight  
 7 point thirty-three (8.33) of the Code shall apply to appropriations  
 8 made for the first fiscal year of such biennium. Unencumbered or  
 9 unobligated balances of appropriations made for the second fiscal year  
 10 of such biennium shall be subject to section eight point thirty-three  
 11 (8.33) of the Code.

\*Approved July 17, 1971 except for Item 3, designated as Section 3,  
 Item 4, designated as Section 4, and Item 5, designated as Section 5,  
 which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

## CHAPTER 76 CONTINGENT FUND

S. F. 556

AN ACT creating and making an appropriation to the executive council general con-  
 tingent fund.

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

1 SECTION 1. There is created an executive council general con-  
 2 tingent fund. The fund shall be administered by the executive  
 3 council. Allocations from the fund may be made only for contin-  
 4 gencies arising during the biennium which are legally payable from  
 5 the funds of the state. The executive council shall not approve allo-  
 6 cation of any funds for any purpose or project which was presented to  
 7 the general assembly by way of a bill and which failed to become en-  
 8 acted into law.

9 \* [Before any of the funds appropriated by this Act shall be allo-  
 10 cated, a written recommendation shall first be obtained from the state  
 11 comptroller and the executive council shall determine that the pro-  
 12 posed allocation shall be for the best interest of the state. Any allo-  
 13 cation in excess of thirty-five thousand dollars must be approved by  
 14 the budget and financial control committee. The executive council  
 15 shall not spend any money out of the contingent fund while the leg-  
 16 islature is in session.]

17 Any balance in the contingent fund as of June 30, 1973, shall revert  
18 to the general fund.

1 SEC. 2. There is appropriated from the general fund of the state  
2 for deposit in the executive council general contingent fund for the  
3 biennium commencing July 1, 1971 and ending June 30, 1973, the  
4 sum of two hundred thousand (200,000) dollars, or so much thereof  
5 as may be necessary, to be used in the manner provided in section one  
6 (1) of this Act.

\*Approved June 30, 1971 except the Item designated as the Second  
paragraph of Section 1 herein which I hereby disapprove.

S/ROBERT D. RAY, *Governor*

## **GENERAL LAWS**

# GENERAL LAWS

## CHAPTER 77

### STATUTORY CONSTRUCTION

H. F. 587

AN ACT relating to rules of statutory construction.

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

1 SECTION 1. Chapter four (4), Code 1971, is amended by adding  
2 sections two (2) through eleven (11) of this Act.

1 SEC. 2. **Presumption of enactment.** In enacting a statute, it is  
2 presumed that:

- 3 1. Compliance with the constitutions of the state and of the United
- 4 States is intended.
- 5 2. The entire statute is intended to be effective.
- 6 3. A just and reasonable result is intended.
- 7 4. A result feasible of execution is intended.
- 8 5. Public interest is favored over any private interest.

1 SEC. 3. **Prospective statutes.** A statute is presumed to be pro-  
2 spective in its operation unless expressly made retrospective.

1 SEC. 4. **Ambiguous statutes—interpretation.** If a statute is am-  
2 biguous, the court, in determining the intention of the legislature, may  
3 consider among other matters:

- 4 1. The object sought to be attained.
- 5 2. The circumstances under which the statute was enacted.
- 6 3. The legislative history.
- 7 4. The common law or former statutory provisions, including laws
- 8 upon the same or similar subjects.
- 9 5. The consequences of a particular construction.
- 10 6. The administrative construction of the statute.
- 11 7. The preamble or statement of policy.

1 SEC. 5. **Conflicts between general and special statutes.** If a gen-  
2 eral provision conflicts with a special or local provision, they shall  
3 be construed, if possible, so that effect is given to both. If the conflict  
4 between the provisions is irreconcilable, the special or local provision  
5 prevails as an exception to the general provision.

1 SEC. 6. **Irreconcilable statutes.** If statutes enacted at the same or  
2 different sessions of the legislature are irreconcilable, the statute  
3 latest in date of enactment by the general assembly prevails. If pro-  
4 visions of the same Act are irreconcilable, the provision listed last in  
5 the Act prevails.

1     **SEC. 7. Official copy prevails.** If the language of the official copy  
2 of a statute conflicts with the language of any subsequent printing or  
3 reprinting of the statute, the language of the official copy prevails.

1     **SEC. 8. Reenactment of statutes—continuation.** A statute which  
2 is reenacted, revised or amended is intended to be a continuation of  
3 the prior statute and not a new enactment, so far as it is the same as  
4 the prior statute.

1     **SEC. 9. Conflicting amendments to same statutes—interpretation.**  
2 If amendments to the same statute are enacted at the same or dif-  
3 ferent sessions of the general assembly, one amendment without ref-  
4 erence to another, the amendments are to be harmonized, if possible,  
5 so that effect may be given to each. If the amendments are irrecon-  
6 cilable, the latest in date of enactment by the general assembly pre-  
7 vails.

1     **SEC. 10. Acts or statutes are severable.** If any provision of an  
2 act or statute or the application thereof to any person or circumstance  
3 is held invalid, the invalidity does not affect other provisions or appli-  
4 cations of the act or statute which can be given effect without the  
5 invalid provision or application, and to this end the provisions of the  
6 act or statute are severable.

1     **SEC. 11. General savings provision.** The reenactment, revision,  
2 amendment, or repeal of a statute does not affect:  
3     1. The prior operation of the statute or any prior action taken  
4 thereunder;  
5     2. Any validation, cure, right, privilege, obligation, or liability pre-  
6 viously acquired, accrued, accorded, or incurred thereunder;  
7     3. Any violation thereof or penalty, forfeiture, or punishment in-  
8 curred in respect thereto, prior to the amendment or repeal; or  
9     4. Any investigation, proceeding, or remedy in respect of any priv-  
10  ilege, obligation, liability, penalty, forfeiture, or punishment; and the  
11  investigation, proceeding, or remedy may be instituted, continued, or  
12  enforced, and the penalty, forfeiture, or punishment imposed, as if  
13  the statute had not been repealed or amended.  
14     If the penalty, forfeiture, or punishment for any offense is reduced  
15  by a reenactment, revision, or amendment of a statute, the penalty,  
16  forfeiture, or punishment if not already imposed shall be imposed  
17  according to the statute as amended.

1     **SEC. 12.** Section four point one (4.1), subsection three (3), Code  
2 1971, is amended by striking the subsection and inserting in lieu  
3 thereof the following:  
4     3. Unless otherwise specifically provided by law the singular in-  
5 cludes the plural, and the plural includes the singular. Words of one  
6 gender include the other genders.

1     **SEC. 13.** Section four point one (4.1), subsection thirteen (13),  
2 Code 1971, is amended by striking the subsection and inserting in lieu  
3 thereof the following:  
4     13. Unless otherwise provided by law "person" means individual,

5 corporation, government or governmental subdivision or agency,  
6 business trust, estate, trust, partnership or association, or any other  
7 legal entity.

1 SEC. 14. Section four point one (4.1), Code 1971, is amended by  
2 adding the following new subsections:

3 1. "If a statute refers to a series of numbers or letters, the first  
4 and the last numbers or letters are included."

5 2. "'Child' includes child by adoption."

6 3. "If there is a conflict between figures and words in expressing  
7 a number, the words govern."

8 4. "'Preceding' and 'following' when used by way of reference to  
9 a chapter or other part of a statute means the next preceding or next  
10 following chapter or other part."

11 5. "A quorum of a public body is a majority of the number of  
12 members fixed by statute."

13 6. "'Rule' includes regulation."

14 7. "Words in the present tense include the future."

15 8. "'United States' includes all the states."

16 9. "The word 'week' means seven consecutive days."

17 10. "The word 'year' means twelve consecutive months."

18 Unless otherwise specifically provided by the general assembly,  
19 whenever the following words are used in a statute hereafter en-  
20 acted, their meaning and application shall be:

21 1. The word "shall" imposes a duty.

22 2. The word "must" states a requirement.

23 3. The word "may" confers a power.

Approved May 24, 1971.

## CHAPTER 78

### PAYMENT OF STATE CLAIMS

H. F. 283

AN ACT relating to the payment of claims.

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

1 SECTION 1. Section eight point fifteen (8.15), Code 1971, is  
2 amended as follows:

3 8.15 **Vouchers.** Before a warrant shall be issued for any claim  
4 payable from the state treasury, there shall be filed an itemized, certi-  
5 fied voucher which shall show in detail the items of service, expense,  
6 thing furnished, or contract upon which payment is sought *or in lieu*  
7 *of the claimant's certification on the voucher, there may be attached*  
8 *the claimant's certified original invoice to a department's approved*  
9 *voucher if the invoice shows in detail the items of service, expense,*  
10 *thing furnished, or contract upon which payment is sought and the*

- 11 *claimant's statement that no part of the invoice has been paid.*  
 12 Vouchers for postage, stamped envelopes, and postal cards may be  
 13 audited as soon as an order therefor is entered.

Approved May 5, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 79

### MIDWEST NUCLEAR COMPACT

S. F. 365

AN ACT to provide for this state to enter into the midwest nuclear compact.

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

1 SECTION 1. The midwest nuclear compact, hereinafter called "the  
 2 compact", is hereby enacted and entered into with all other states  
 3 legally joining therein, in the form substantially as follows:

#### ARTICLE I—POLICY AND PURPOSE

5 The party states recognize that the proper employment of scienti-  
 6 fic and technological discoveries and advances in nuclear and re-  
 7 lated fields and direct and collateral application and adaptation of  
 8 processes and techniques developed in connection therewith, prop-  
 9 erly correlated with the other resources of the region, can assist  
 10 substantially in the industrial progress of the midwest and the  
 11 further development of the economy of the region. They also recog-  
 12 nize that optimum benefit from nuclear and related scientific or  
 13 technological resources, facilities and skills requires systematic  
 14 encouragement, guidance, assistance, and promotion from the party  
 15 states on a cooperative basis. It is the policy of the party states to  
 16 undertake such cooperation on a continuing basis. It is the purpose  
 17 of this compact to provide the instruments and framework for such a  
 18 cooperative effort in nuclear and related fields, to enhance the econ-  
 19 omy of the midwest and contribute to the individual and community  
 20 well-being of the region's people.

#### ARTICLE II—THE BOARD

22 (a) There is hereby created an agency of the party states to be  
 23 known as the "midwest nuclear board", hereinafter called "the  
 24 board". The board shall be composed of one member from each party  
 25 state designated or appointed in accordance with the law of the state  
 26 which he represents, and serving and subject to removal in accord-  
 27 ance with such law. The law of each state also shall make specific  
 28 provision for the appointment of alternates who are authorized and  
 29 empowered to act for and on behalf of the board member in his  
 30 absence. The designating or appointing authority promptly shall  
 31 inform the board of the identity of its member thereon, designated  
 32 alternate or alternates, and changes therein. If more than one alter-  
 33 nate is designated, the designating authority also shall inform the  
 34 board of the order in which the alternates are empowered to act.

35 (b) Upon invitation of the board, federal agencies may be repre-  
 36 sented on the board without vote, if statutory or administrative pro-  
 37 vision within the federal government is made therefor.



38 (c) The board members of the party states shall each be entitled  
39 to one vote on the board. No action of the board shall be binding  
40 unless taken at a meeting at which a majority of all members repre-  
41 senting the party states are present and unless a majority of the  
42 total number of votes on the board are cast in favor thereof.

43 (d) The board shall have a seal.

44 (e) The board shall elect annually, from among its members, a  
45 chairman, a vice chairman, and a treasurer. The board shall appoint  
46 an executive director who shall serve at its pleasure and who also  
47 shall act as secretary, and who, together with the treasurer and such  
48 other personnel as the board may require, shall be bonded in such  
49 amounts as the board may require.

50 (f) Irrespective of the civil service, personnel or other merit  
51 system laws of any of the party states, the executive director, with  
52 the approval of the board, shall appoint and remove or discharge  
53 such personnel as may be necessary for the performance of the  
54 board's functions.

55 (g) The board may establish and maintain, independently or in  
56 conjunction with any one or more of the party states, a suitable  
57 retirement system for its full-time employees. Employees of the  
58 board shall be eligible for social security coverage in respect of old  
59 age and survivors insurance provided that the board takes such steps  
60 as may be necessary pursuant to federal law to participate in such  
61 program of insurance as a governmental agency or unit. The board  
62 may establish and maintain or participate in such additional pro-  
63 grams of employee benefits as may be appropriate.

64 (h) The board may borrow, accept, or contract for the services  
65 of personnel from any state or the United States or any subdivision  
66 or agency thereof, from any interstate agency, or from any institu-  
67 tion, person, firm or corporation.

68 (i) The board may accept for any of its purposes and functions  
69 under this compact any and all donations, and grants of money,  
70 equipment, supplies, materials, and services, conditional or other-  
71 wise, from any state or the United States, or any subdivision or  
72 agency thereof, or interstate agency, or from any institution, person,  
73 firm, or corporation, and may receive, utilize, and dispose of the  
74 same. Any arrangements pursuant to this paragraph or paragraph  
75 (h) of this Article shall be detailed in the annual report of the board.  
76 Such report shall include the identity of the donor, lender or contrac-  
77 tor, the nature of the transaction, and the conditions, if any.

78 (j) The board may establish and maintain such facilities as may  
79 be necessary for the transacting of its business. The board may  
80 acquire, hold, and convey real and personal property and any interest  
81 therein.

82 (k) The board shall adopt bylaws for the conduct of its business,  
83 and shall have the power to amend and rescind these bylaws. The  
84 board shall publish its bylaws in convenient form, and shall file a  
85 copy thereof, and of any amendment thereto, with the designated  
86 agency or officer in each of the party states.

87 (l) The board annually shall make to the governor and legislature  
88 of each party state, a report covering the activities of the board for  
89 the preceding year, and embodying such recommendations as may

90 have been adopted by the board. The board may issue such addi-  
91 tional reports as it may deem desirable.

92 ARTICLE III—FINANCE

93 (a) The board shall submit to the governor or designated officer  
94 or officers of each party state a budget of its estimated expenditures  
95 for such period as may be required by the laws of that jurisdiction  
96 for presentation to the legislature thereof.

97 (b) Each of the board's budgets of estimated expenditures shall  
98 contain specific recommendations of the amount or amounts to be  
99 appropriated by each of the party states. One-half of the total  
100 amount of each budget of estimated expenditures shall be appor-  
101 tioned among the party states in accordance with the ratio of their  
102 populations to the total population of the entire group of party  
103 states based on the last decennial federal census; one-quarter of  
104 each such budget shall be apportioned among the party states in equal  
105 shares; and one-quarter of each such budget shall be apportioned  
106 among the party states on the basis of the relative average per  
107 capita income of the inhabitants in each of the party states based  
108 on the latest computations published by the federal census-taking  
109 agency. Subject to appropriation by their respective legislatures,  
110 the board shall be provided with such funds by each of the party  
111 states as are necessary to provide the means of establishing and  
112 maintaining facilities, a staff of personnel, and such activities as  
113 may be necessary to fulfill the powers and duties imposed upon and  
114 entrusted to the board.

115 (c) The board may meet any of its obligations in whole or in part  
116 with funds available to it under Article II (i) of this compact, pro-  
117 vided that the board takes specific action setting aside such funds  
118 prior to the incurring of any obligation to be met in whole or in part  
119 in this manner. Except where the board makes use of funds avail-  
120 able to it under Article II (i) hereof, the board shall not incur any  
121 obligation prior to the allotment of funds by the party jurisdictions  
122 adequate to meet the same.

123 (d) Expenses and other reasonable costs for each member of the  
124 board in attending board meetings shall be met by the board.

125 (e) The board shall keep accurate accounts of all receipts and  
126 disbursements. The receipts and disbursements of the board shall  
127 be subject to the audit and accounting procedures established under  
128 its bylaws. However, all receipts and disbursements of funds handled  
129 by the board shall be audited yearly by a certified or licensed public  
130 accountant and the report of the audit shall be included in and  
131 become part of the annual report of the board.

132 (f) The accounts of the board shall be open at any reasonable  
133 time for inspection by duly authorized representatives of the party  
134 states and by persons authorized by the board.

135 ARTICLE IV—ADVISORY AND TECHNICAL COMMITTEES

136 The board may establish such advisory and technical committees  
137 as it may deem necessary, membership on which may include repre-  
138 sentatives of industry, labor, commerce, agriculture, medicine,  
139 health and education; other professional, scientific, and civic groups  
140 and interests; officials of local, state and federal government; and  
141 representatives of the general public, and may cooperate with and

142 use the services of any such committees and the organizations which  
143 they represent in furthering any of its activities under this compact.

144 ARTICLE V—POWERS

145 The board shall have power to:

146 (a) Encourage and promote cooperation among the party states in  
147 the development and utilization of nuclear and related technologies  
148 and their application to industry and other fields.

149 (b) Ascertain and analyze on a continuing basis the position of  
150 the midwest with respect to the employment in industry of nuclear  
151 and related scientific findings and technologies.

152 (c) Encourage the development and use of scientific advances and  
153 discoveries in nuclear facilities, energy, materials, products, by-  
154 products, and all other appropriate adaptations of scientific and tech-  
155 nological advances and discoveries.

156 (d) Collect, correlate, and disseminate information relating to  
157 civilian uses of nuclear energy, materials, and products, and other  
158 products and processes resulting from the application of related  
159 science and technology.

160 (e) Conduct, or cooperate in conducting, programs of training for  
161 state and local personnel engaged in any aspects of:

162 1. Nuclear industry, medicine, or education, or the promotion or  
163 regulation thereof.

164 2. Applying nuclear scientific advances or discoveries, and any  
165 industrial, commercial or other processes resulting therefrom.

166 3. The formulation or administration of measures designed to  
167 promote safety in any matter related to the development, use or  
168 disposal of nuclear energy, materials, products, by-products, instal-  
169 lations, or wastes, or to safety in the production, use and disposal of  
170 any other substances peculiarly related thereto.

171 (f) Organize and conduct, or assist and cooperate in organizing  
172 and conducting, demonstrations or research in any of the scientific,  
173 technological or industrial fields to which this compact relates.

174 (g) Undertake such nonregulatory functions with respect to non-  
175 nuclear sources of radiation as may promote the economic develop-  
176 ment and general welfare of the midwest.

177 (h) Study industrial, health, safety, and other standards, laws,  
178 codes, rules, regulations, and administrative practices in or related  
179 to nuclear fields.

180 (i) Recommend such changes in, or amendments or additions to  
181 the laws, codes, rules, regulations, administrative procedures and  
182 practices or local laws or ordinances of the party states or their sub-  
183 divisions in nuclear and related fields, as in its judgment may be  
184 appropriate. Any such recommendations shall be made through the  
185 appropriate state agency, with due consideration of the desirability  
186 of uniformity but shall also give appropriate weight to any special  
187 circumstances which may justify variations to meet local conditions.

188 (j) Consider and make recommendations designed to facilitate  
189 the transportation of nuclear equipment, materials, products, by-  
190 products, wastes, and any other nuclear or related substances, in such  
191 manner and under such conditions as will make their availability or  
192 disposal practicable on an economic and efficient basis.

193 (k) Consider and make recommendations with respect to the  
194 assumption of and protection against liability actually or potentially

195 incurred in any phase of operations in nuclear and related fields.  
196 (l) Advise and consult with the federal government concerning  
197 the common position of the party states in respect to nuclear and  
198 related fields.

199 (m) Cooperate with the atomic energy commission, the national  
200 aeronautics and space administration, the office of science and tech-  
201 nology, or any agencies successor thereto, any other officer or agency  
202 of the United States, and any other governmental unit or agency or  
203 officer thereof, and with any private persons or agencies in any of  
204 the fields of its interest.

205 (n) Act as licensee, contractor or subcontractor of the United  
206 States government or any party state with respect to the conduct of  
207 any research activity requiring such license or contract and operate  
208 such research facility or undertake any program pursuant thereto,  
209 provided that this power shall be exercised only in connection with  
210 the implementation of one or more other powers conferred upon the  
211 board by this compact.

212 (o) Prepare, publish and distribute, with or without charge, such  
213 reports, bulletins, newsletters, or other materials as it deems appro-  
214 priate.

215 (p) Ascertain from time to time such methods, practices, circum-  
216 stances, and conditions as may bring about the prevention and contro-  
217 l of nuclear incidents in the area comprising the party states, to  
218 coordinate the nuclear incident prevention and control plans and the  
219 work relating thereto of the appropriate agencies of the party states  
220 and to facilitate the rendering of aid by the party states to each  
221 other in coping with nuclear incidents. The board may formulate  
222 and, in accordance with need from time to time, revise a regional  
223 plan or regional plans for coping with nuclear incidents within the  
224 territory of the party states as a whole or within any subregion or  
225 subregions of the geographic area covered by this compact. Any  
226 nuclear incident plan in force pursuant to this paragraph shall desig-  
227 nate the official or agency in each party state covered by the plan  
228 who shall coordinate requests for aid pursuant to Article VI of this  
229 compact and the furnishing of aid in response thereto. Unless the  
230 party states concerned expressly otherwise agree, the board shall not  
231 administer the summoning and dispatching of aid, but this function  
232 shall be undertaken directly by the designated agencies and officers  
233 of the party states. However, the plan or plans of the board in force  
234 pursuant to this paragraph shall provide for reports to the board  
235 concerning the occurrence of nuclear incidents and the requests for  
236 aid on account thereof, together with summaries of the actual work-  
237 ing and effectiveness of mutual aid in particular instances. From  
238 time to time, the board shall analyze the information gathered from  
239 reports of aid pursuant to Article VI and such other instances of  
240 mutual aid as may have come to its attention, so that experience in  
241 the rendering of such aid may be available.

#### ARTICLE VI—MUTUAL AID

242  
243 (a) Whenever a party state, or any state or local governmental  
244 authorities therein, request aid from any other party state pursuant  
245 to this compact in coping with a nuclear incident, it shall be the duty  
246 of the requested state to render all possible aid to the requesting state

247 which is consonant with the maintenance of protection of its own  
248 people.

249 (b) Whenever the officers or employees of any party state are ren-  
250 dering outside aid pursuant to the request of another party state  
251 under this compact, the officers or employees of such state shall,  
252 under the direction of the authorities of the state to which they are  
253 rendering aid, have the same powers, duties, rights, privileges and  
254 immunities as comparable officers and employees of the state to  
255 which they are rendering aid.

256 (c) No party state or its officers or employees rendering outside  
257 aid pursuant to this compact shall be liable on account of any act or  
258 omission on their part while so engaged, or on account of the mainte-  
259 nance or use of any equipment or supplies in connection therewith.

260 (d) All liability that may arise either under the laws of the re-  
261 questing state or under the laws of the aiding state or under the laws  
262 of a third state on account of or in connection with a request for aid,  
263 shall be assumed and borne by the requesting state.

264 (e) Any party state rendering outside aid pursuant to this com-  
265 pact shall be reimbursed by the party state receiving such aid for  
266 any loss or damage to, or expense incurred in the operation of any  
267 equipment answering a request for aid, and for the cost of all mate-  
268 rials, transportation, wages, salaries and maintenance of officers,  
269 employees and equipment incurred in connection with such request:  
270 provided that nothing herein contained shall prevent any assisting  
271 party state from assuming such loss, damage, expense or other cost  
272 or from loaning such equipment or from donating such services to  
273 the receiving party state without charge or cost.

274 (f) Each party state shall provide for the payment of compensa-  
275 tion and death benefits to injured officers and employees and the  
276 representatives of deceased officers and employees in case officers or  
277 employees sustain injuries or death while rendering outside aid  
278 pursuant to this compact, in the same manner and on the same terms  
279 as if the injury or death were sustained within the state by or in  
280 which the officer or employee was regularly employed.

#### 281 ARTICLE VII—SUPPLEMENTARY AGREEMENTS

282 (a) To the extent that the board has not undertaken an activity  
283 or project which would be within its power under the provisions of  
284 Article V of this compact, any two or more of the party states,  
285 acting by their duly constituted administrative officials, may enter  
286 into supplementary agreements for the undertaking and continuance  
287 of such an activity or project. Any such agreement shall specify its  
288 purpose or purposes; its duration and the procedure for termination  
289 thereof or withdrawal therefrom; the method of financing and allo-  
290 cating the costs of the activity or project; and such other matters  
291 as may be necessary or appropriate. No such supplementary agree-  
292 ment entered into pursuant to this Article shall become effective  
293 prior to its submission to and approval by the board. The board  
294 shall give such approval unless it finds that the supplementary  
295 agreement or the activity or project contemplated\* thereby is  
296 inconsistent with the provisions of this compact or a program or  
297 activity conducted by or participated in by the board.

298 (b) Unless all of the party states participate in a supplementary

\*According to enrolled Act.

299 agreement, any cost or costs thereof shall be borne separately by the  
300 states party thereto. The board, if requested, may administer or  
301 otherwise assist in the operation of any supplementary agreement.

302 (c) No party to a supplementary agreement entered into pursuant  
303 to this Article shall be relieved thereby of any obligation or duty  
304 assumed by said party state under or pursuant to this compact,  
305 except that timely and proper performance of such obligation or  
306 duty by means of the supplementary agreement may be offered as  
307 performance pursuant to the compact.

308 (d) The provisions of this Article shall apply to supplementary  
309 agreements and activities thereunder, but shall not be construed to  
310 repeal or impair any authority which officers or agencies of party  
311 states may have pursuant to other laws to undertake cooperative  
312 arrangements or projects.

### 313 ARTICLE VIII—OTHER LAWS AND RELATIONS

314 Nothing in this compact shall be construed to:

315 (a) Permit or require any person or other entity to avoid or  
316 refuse compliance with any law, rule, regulation, order or ordinance  
317 of a party state or subdivision thereof now or hereafter made,  
318 enacted or in force.

319 (b) Limit, diminish, affect, or otherwise impair jurisdiction exer-  
320 cised by the atomic energy commission, any agency successor thereto,  
321 or any other federal department, agency or officer pursuant to and  
322 in conformity with any valid and operative act of congress; nor  
323 limit, diminish, affect, or otherwise impair jurisdiction exercised by  
324 any officer or agency of a party state, except to the extent that the  
325 provisions of this compact may provide therefor.

326 (c) Alter the relations between and respective internal responsi-  
327 bilities of the government of a party state and its subdivisions.

328 (d) Permit or authorize the board to exercise any regulatory  
329 authority or to own or operate any nuclear reactor for the commer-  
330 cial generation of electric energy; nor shall the board own or operate  
331 any nuclear facility or installation on a commercial or profit-making  
332 basis.

### 333 ARTICLE IX—ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

334 (a) Any or all of the states of Illinois, Indiana, Iowa, Kansas,  
335 Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota,  
336 Ohio, South Dakota, and Wisconsin shall be eligible to become party  
337 to this compact.

338 (b) As to any eligible party state, this compact shall become  
339 effective when its legislature shall have enacted the same into law:  
340 provided that it shall not become initially effective until enacted into  
341 law by six states.

342 (c) Any party state may withdraw from this compact by enacting  
343 a statute repealing the same, but no such withdrawal shall become  
344 effective until two years after the governor of the withdrawing state  
345 shall have sent formal notice in writing to the governor of each  
346 other party state informing said governors of the action of the  
347 legislature in repealing the compact and declaring an intention to  
348 withdraw. A withdrawing state shall be liable for any obligations  
349 which it may have incurred on account of its party status up to the  
350 effective date of withdrawal, except that if the withdrawing state  
351 has specifically undertaken or committed itself to any performance

352 of an obligation extending beyond the effective date of withdrawal  
353 it shall remain liable to the extent of such obligation.

354 ARTICLE X—SEVERABILITY AND CONSTRUCTION

355 The provisions of this compact and of any supplementary agree-  
356 ment entered into hereunder shall be severable and if any phrase,  
357 clause, sentence or provision of this compact or such supplementary  
358 agreement is declared to be contrary to the constitution of any  
359 participating state or of the United States or the applicability  
360 thereof to any government, agency, person, or circumstance is held  
361 invalid, the validity of the remainder of this compact or such supple-  
362 mentary agreement and the applicability thereof to any government,  
363 agency, person or circumstance shall not be affected thereby. If this  
364 compact or any supplementary agreement entered into hereunder  
365 shall be held contrary to the constitution of any state participating  
366 therein, the compact or such supplementary agreement shall remain  
367 in full force and effect as to the remaining states and in full force  
368 and effect as to the state affected as to all severable matters. The  
369 provisions of this compact and of any supplementary agreement  
370 entered into pursuant hereto shall be liberally construed to effectuate  
371 the purposes thereof.

1 SEC. 2. The member and any alternate member of the midwest  
2 nuclear board representing the state shall be appointed by the gov-  
3 ernor.

1 SEC. 3. The midwest nuclear board shall file with the secretary  
2 of state copies of its bylaws and any amendments thereto as required  
3 under Article II (k) of the compact.

1 SEC. 4. The provisions of chapter eighty-five (85) of the Code  
2 and any benefits payable thereunder shall apply and be payable to  
3 any persons dispatched to another state pursuant to Article VI of  
4 the compact. If the aiding personnel are officers or employees of  
5 subdivisions of this state, they shall be entitled to the same work-  
6 men's compensation or other benefits in case of injury or death to  
7 which they would have been entitled if injured or killed while  
8 engaged in coping with a nuclear incident in their jurisdictions of  
9 regular employment.

Approved April 10, 1971.

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CHAPTER 80

COURT ADMINISTRATORS

S. F. 461

AN ACT relating to supreme court officers and employees and their duties, including court administration, as directed by the supreme court.

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

1 SECTION 1. Chapter fourteen (14), Code 1971, is amended by add-  
2 ing the following new section:  
3 "The supreme court shall appoint a code editor who shall serve at  
4 the pleasure of the court."

1 SEC. 2. Section sixteen point twenty-four (16.24), subsection fif-  
2 teen (15),\* Code 1971, is amended as follows:

3 15. To the office of attorney general, to the office of the legislative  
4 [research] *service* bureau, to the office of court administrator, and  
5 to the [reporter of the supreme court and] *office of the* Code editor  
6 such number of copies as will enable them to perform the duties of  
7 their respective offices.

1 SEC. 3. Section sixteen point twenty-five (16.25), subsection ten  
2 (10), Code 1971, is amended as follows:

3 10. To the office of the [reporter of the supreme court and] Code  
4 editor .....5 copies

1 SEC. 4. Section sixteen point twenty-eight (16.28), Code 1971, is  
2 amended as follows:

3 **16.28 Supreme court reports.** The supreme court shall cause to be  
4 furnished without charge copies of any publication containing its  
5 official reports to the chambers of each judge of the district court in  
6 each county and to such other governmental agencies as the supreme  
7 court shall direct. [The reporter of the supreme court shall act as  
8 sales agent for any private publication containing the official reports  
9 of the supreme court that are thus distributed. Any commission  
10 received by the reporter acting as such sales agent shall be placed  
11 in the general fund.]

1 SEC. 5. Section nineteen point twenty-five (19.25), subsection  
2 nine (9), Code 1971, is amended as follows:

3 9. [Reporter of supreme court] *Code editor.*

1 SEC. 6. Section six hundred six point fifteen (606.15), subsection  
2 one (1), Code 1971, is amended as follows:

3 1. For filing any petition, appeal, or writ of error and docketing  
4 the same, four dollars. Three dollars of such fee shall remain in the  
5 county treasury for the use of the county, and one dollar of such fee  
6 shall be paid into the state treasury in a fund to be known as the  
7 [judicial statistics] *court administrator* fund. [No part of the ex-  
8 pense of the statistician shall be paid out of any fund in the state  
9 treasury except the judicial statistics fund. Withdrawals therefrom  
10 shall be by warrant of the state comptroller upon requisition by the  
11 statistician approved by the presiding judge of the supreme court,  
12 and any balance remaining at the end of a biennium shall revert to  
13 the general fund.] *Any balance remaining at the end of each bien-*  
14 *num in excess of ten thousand dollars, shall revert to the general*  
15 *fund of the state.* In counties having a population of one hundred  
16 thousand or over, an additional one dollar shall be charged and col-  
17 lected, to be known as the journal publication fee and to be used for  
18 the purposes provided for in section 618.13.

1 SEC. 7. Section six hundred eighty-four point thirteen (684.13),  
2 Code 1971, is amended by adding the following paragraph:

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

1 SEC. 8. Section six hundred eighty-five point six (685.6), Code  
2 1971, is amended as follows:

\*See also ch. 84, §64.



3     **685.6 Court [statistician] administrator appointed.** There is  
 4 hereby established [in the office of the clerk of the supreme court]  
 5 the position of [statistician] *court administrator* of the judicial de-  
 6 partment. The [statistician] *court administrator* shall be appointed  
 7 by the supreme court and shall hold office at the pleasure of such court.  
 8     *The expense of operating the court administrator office shall be*  
 9 *paid from the court administrator fund created by section 606.15 and*  
 10 *the court shall fix the compensation of the administrator and the em-*  
 11 *ployees of the office. The supreme court is authorized to accept fed-*  
 12 *eral funds to supplement the court administrator fund.*

1     SEC. 9. Section six hundred eighty-five point seven (685.7), Code  
 2 1971, is amended as follows:

3     **685.7 Assistants.** The [statistician] *court administrator*, with  
 4 the approval of the supreme court, shall appoint such assistants as  
 5 are necessary to enable him to perform the powers and duties vested  
 6 in him. While holding such position, neither the [statistician] *court*  
 7 *administrator* nor his assistants shall practice law in any of the  
 8 courts of this state.

1     SEC. 10. Section six hundred eighty-five point eight (685.8), Code  
 2 1971, unnumbered paragraph one (1), is amended as follows:

3     Under the direction of the supreme court the [statistician] *court*  
 4 *administrator* shall be the administrative officer of the court and in  
 5 addition his duties shall be to:

1     SEC. 11. Section six hundred eighty-five point nine (685.9), Code  
 2 1971, is amended as follows:

3     **685.9 Co-operation of court officers.** The judges, justices of the  
 4 peace, mayors, magistrates, reporters, clerks of court, probation offi-  
 5 cers, sheriffs, and all other officers, state and local, shall comply with  
 6 all requirements made by the [statistician] *court administrator* or his  
 7 assistants for information and statistical data bearing on the state  
 8 of the dockets of the courts, the progress of court business, and such  
 9 other information as may reflect the business transacted by them  
 10 and the expenditure of moneys for the maintenance and operation of  
 11 the judicial system.

1     SEC. 12. Section six hundred eighty-five point ten (685.10), Code  
 2 1971, is amended as follows:

3     **685.10 Courts affected.** The provisions of sections 685.6 to 685.9,  
 4 inclusive, apply to the following courts: Supreme court, district court,  
 5 superior court, municipal court, police court, justice of the peace  
 6 court, mayor's court, and all other courts, state and local, which may  
 7 be established from time to time. Provided, however, that the fees  
 8 established for municipal and superior courts shall be one-half of  
 9 those fees established for district courts [prior to May 16, 1955].

1     SEC. 13. Sections fourteen point one (14.1) to fourteen point five  
 2 (14.5), inclusive, Code 1971, are repealed.

Approved May 27, 1971.

## CHAPTER 81

## DOCUMENTS DISPOSAL

S. F. 183

AN ACT relating to disposal of unneeded documents.

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

- 1 SECTION 1. Section sixteen point eight (16.8), Code 1971, is  
 2 amended as follows:  
 3 **16.8 Unused documents.** The superintendent shall from time to  
 4 time make report to the printing board of any documents in his cus-  
 5 tody deemed not needed and which have been printed five years or  
 6 more, and if such report has the written approval of the head of the  
 7 department from which the documents were issued, the printing board  
 8 may condemn and order such documents sold, and the proceeds turned  
 9 into the unappropriated funds of the state. *If a department no longer*  
 10 *exists, approval by the head of the department shall not be required.*

Approved May 5, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 82†

## INCENTIVE AWARDS FOR STATE EMPLOYEES

H. F. 231

AN ACT relating to incentive awards for state employees.

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

- 1 SECTION 1. Section nineteen point thirty-three (19.33), subsection  
 2 two (2), Code 1971, is amended as follows:  
 3 2. Any department may adopt a cost reduction plan which shall pro-  
 4 vide for a reduction in the number of employees or operating costs of  
 5 the department below the number or amount which would otherwise  
 6 be authorized. The executive council, upon recommendation by the  
 7 department, may authorize payment of a cash incentive award to each  
 8 employee in the department who will be required to perform additional  
 9 duties or contribute additional effort as a result of the cost reduction  
 10 plan. The executive council shall authorize such awards only if it de-  
 11 termines that the cost reduction plan is in the best interests of the  
 12 state, and only if the estimated net savings due to the cost reduction  
 13 plan less the amount of the cash incentive award revert to the fund  
 14 from which originally appropriated. The total amount of all awards  
 15 under this section with respect to any cost reduction plan shall not ex-  
 16 ceed one-fourth of the estimated savings due to the cost reduction  
 17 plan. The amount of the award to each employee shall be approved by  
 18 the executive council.

Approved March 24, 1971.

†See Editor's note, page iii.

## CHAPTER 83

## MERIT SYSTEM EXEMPTIONS

H. F. 399

AN ACT relating to exemptions from the merit system and providing for work test appointments.

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

1 SECTION 1. Section nineteen A point three (19A.3), Code 1971, is  
2 amended by adding the following new subsection:

3 "Summer employment appointments during the period May fif-  
4 teenth through September fifteenth."

1 SEC. 2. Section nineteen A point three (19A.3), subsection three  
2 (3), Code 1971, is amended as follows:

3 3. Three principal assistants or deputies for each elective official  
4 and one stenographer or secretary for each elective official and each  
5 principal assistant or deputy thereof *also all supervisory employees*  
6 *and their confidential assistants.*

1 SEC. 3. Section nineteen A point nine (19A.9), Code 1971, is  
2 amended by adding the following new subsection:

3 "For the establishment of work test appointments for positions of  
4 unskilled labor, attendants, aides, janitors, food service workers, laun-  
5 dry workers, porters, elevator operators, custodial or similar types of  
6 employment when the character of the work makes it impracticable  
7 to supply the needs of the service effectively by written or other type  
8 of competitive examination. If this subsection conflicts with any  
9 other provisions of this chapter, the provisions of this subsection shall  
10 govern the positions to which it applies. All persons appointed to the  
11 positions specified in this subsection shall serve a probationary period  
12 in accordance with this chapter, may acquire permanent status, and  
13 are subject to the same rules and regulations as other classified em-  
14 ployees. Such persons shall be required to pass promotional exami-  
15 nations as prescribed by this chapter and the rules adopted by the  
16 merit employment commission before they may be promoted to a  
17 higher classification."

Approved May 24, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 84

## GENERAL SERVICES DEPARTMENT

H. F. 129

AN ACT to create a department of general services, transferring services presently performed by designated state agencies to the department of general services, eliminating the performance of certain duties, and providing penalties.

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

1 SECTION 1. Definitions. When used in this Act, unless the con-  
2 text otherwise requires:

- 3 1. "Director" means the director of the department of general  
4 services or his designee.
- 5 2. "Department" means the department of general services.
- 6 3. "Governmental subdivision" means a county, city, town, school  
7 district, or combination thereof.
- 8 4. "Competitive bidding procedures" means the advertisement for,  
9 solicitation of, or the procurement of bids; the manner and con-  
10 dition in which bids are received; and the procedure by which bids  
11 are opened, accepted, or rejected.
- 12 5. "Bid specification" means the standards or qualities which must  
13 be met before a contract to purchase will be awarded and any terms  
14 which the director has set as a condition precedent to the awarding  
15 of a contract.
- 16 6. "State communications" means a system to serve communica-  
17 tions needs of state departments and agencies.
- 18 7. "State agency" means an executive board, commission, bureau,  
19 division, office, or department of the state.

1 SEC. 2. **Department established.** There is created a department  
2 of general services which shall be attached to the office of the gov-  
3 ernor and shall be under his general direction, supervision, and con-  
4 trol. The office shall be in charge of a director, who shall be ap-  
5 pointed by the governor, with the approval of two-thirds of the sen-  
6 ate. The director shall be employed on a permanent basis. He shall  
7 not hold any other office, engage in any political activity, accept or  
8 solicit, directly or indirectly, any political contributions, and shall  
9 not use his office to support the candidacy of anyone for elective or  
10 appointive office. The director shall hold office at the governor's  
11 pleasure and shall receive a salary at a rate fixed by the governor not  
12 to exceed twenty-five thousand dollars per annum. Before entering  
13 upon the discharge of his duties, the director may be required to  
14 give a surety bond in such amount as may be fixed by the governor.  
15 The premium on the bond shall be paid out of funds appropriated  
16 to the department.

17 The director shall be a qualified administrator.

1 SEC. 3. **Duties.** The duties of the director shall include but not  
2 necessarily be limited to the following:

3 1. Establishing and developing, in cooperation with the various  
4 state agencies, a system of uniform standards and specifications for  
5 purchasing. When the system is developed, all items of general use  
6 shall be purchased through the department, except items used by the  
7 highway commission, institutions under the control of the board of  
8 regents, the commission for the blind, and any other agencies ex-  
9 empted by law.

10 The director may purchase items through the highway commission,  
11 institutions under the control of the board of regents and any other  
12 agency exempted by law from centralized purchasing. These state  
13 agencies shall upon request furnish the director with a list of and  
14 specifications for all items of office equipment, furniture, fixtures,  
15 motor vehicles, heavy equipment and other related items to be pur-  
16 chased during the next quarter and the date by which the director  
17 must file with the agency the quantity of items to be purchased by  
18 the state agency for the department of general services. The depart-

19 ment of general services shall be liable to the state agency for the  
20 proportionate costs the items purchased for it bear to the total pur-  
21 chase price. When items purchased have been delivered, the state  
22 agency shall notify the director and after receipt of the purchase  
23 price shall release the items to the director or upon his order.

24 2. Administrating the provisions of chapter twenty-one (21) of  
25 the Code.

26 3. Administering the provisions of chapters fifteen (15) and six-  
27 teen (16) of the Code.

28 4. Providing for the proper maintenance and protection of the  
29 state capitol, grounds, and equipment and all other state buildings,  
30 grounds, and equipment at the seat of government, except those  
31 referred to in section 85 of this Act.

32 5. Establishing, supervising, and maintaining a system of central-  
33 ized electronic data processing, including a data processing service  
34 center for the benefit of the state agencies in need of data processing  
35 services.

36 This subsection shall not apply to electronic data processing  
37 equipment, personnel, and services operated and maintained by the  
38 state highway commission and institutions under the control of the  
39 board of regents. However, these agencies shall notify the director  
40 before contracting for additional data processing equipment, oper-  
41 ating systems, or programming systems and shall cooperate with the  
42 director to benefit other state agencies by joint use.

43 6. Administering the provisions of chapter eight A (8A) of the  
44 Code.

45 7. Establishing, supervising, and maintaining a central mail unit  
46 for the use of all state officials, agencies, and departments located  
47 at the seat of government.

48 8. Installing a records system for the keeping of records which  
49 are necessary for a proper audit and effective operation of the de-  
50 partment.

1 **SEC. 4. Rules and regulations.** The director shall adopt rules  
2 and regulations in accordance with the provisions of chapter seven-  
3 teen A (17A) of the Code which are necessary for the exercise of  
4 the powers and duties granted by this chapter and the proper admin-  
5 istration of the department.

1 **SEC. 5. Prohibited interests.** The director shall not have any  
2 pecuniary interest, directly or indirectly, in any contract for sup-  
3 plies furnished to the state, or in any business enterprise involving  
4 any expenditure by the state. A violation of the provisions of this  
5 section shall be a misdemeanor, and on conviction thereof the direc-  
6 tor shall be fined in a sum not exceeding one thousand dollars and  
7 removed from office.

1 **SEC. 6. Competitive bidding.** The director shall promulgate rules  
2 and regulations establishing competitive bidding procedures.

3 1. All items purchased by the department shall be purchased by a  
4 competitive bidding procedure. However, the director may exempt  
5 by regulation purchases of noncompetitive items and purchases in  
6 lots or quantities too small to be effectively purchased by competitive  
7 bidding. Preference shall be given to purchasing Iowa products  
8 and purchases from Iowa based businesses if the bids submitted

9 therefor are comparable in price to bids submitted by out-of-state  
10 businesses and otherwise meet the required specifications.

11 2. The director may also exempt the purchase of an item from a  
12 competitive bidding procedure when he determines that the best  
13 interests of the state will be served due to an immediate or emer-  
14 gency need for the item.

15 3. The director shall have the power to contract for the purchase  
16 of items by the department. Contracts for the purchase of items  
17 shall be awarded on the basis of the lowest competent bid. Con-  
18 tracts not based on competitive bidding shall be awarded on the basis  
19 of bidder competence and reasonable price.

20 4. The director may refuse all bids on any item and institute a  
21 new bidding procedure.

22 5. The director shall establish by regulation the amount of secu-  
23 rity, if any, to accompany a bid or as a condition precedent to the  
24 awarding of any contract and the circumstances under which a  
25 security will be returned to the bidder or forfeited to the state.

26 6. The director shall promulgate rules and regulations providing  
27 a method for the various state agencies to file with the department  
28 of general services a list of those supplies, equipment, machines, and  
29 all items needed to properly perform their governmental duties and  
30 functions.

31 7. The director shall upon the request of any governmental sub-  
32 division furnish a list of the items and their specifications to be  
33 purchased during the next quarter and the date for filing with the  
34 director the quantity of any such items desired to be purchased for  
35 the governmental subdivision by the department of general services.  
36 Thereafter if any governmental subdivision, by the date specified,  
37 requests the director to include a specific quantity of any supplies,  
38 equipment, machines, automobiles, trucks, or any other items to be  
39 advertised for bids, to be included therein for the governmental sub-  
40 division, the director shall so do. The governmental subdivision  
41 making such request shall be liable to the state for the proportion-  
42 ate cost such items bear to the total purchase price. When the items  
43 purchased have been delivered, the director shall notify the respec-  
44 tive governmental subdivision of their receipt and place of delivery.  
45 The director shall, upon receipt of the purchase price of the respec-  
46 tive items, release them to the proper governmental subdivision. The  
47 director may, with approval of the comptroller, establish a revolv-  
48 ing fund to facilitate such purchases.

49 8. The director shall establish regulations providing that any  
50 state agency may, upon request, purchase directly from a vendor if  
51 the direct purchasing is as economical or more economical than pur-  
52 chasing through the department, or upon a showing that direct pur-  
53 chasing by the state agency would be in the best interests of the  
54 state due to an immediate or emergency need.

55 Any state agency denied the opportunity to purchase separately  
56 by the director may appeal the decision to the executive council.  
57 The executive council shall hear and determine the appeal in the  
58 same manner as an appeal filed by an aggrieved bidder.

59 Any member of the executive council may bring before the coun-  
60 cil for review a decision of the director granting a state agency re-  
61 quest for direct purchasing. The executive council shall hear and

62 review the director's decision in the same manner as an appeal filed  
63 by an aggrieved bidder, except that the three-day period for filing  
64 for review shall not apply.

1     **SEC. 7. Appeal.** Any bidder whose bid is timely filed, and who  
2 is aggrieved by the award of the director, may appeal the director's  
3 decision by filing written appeal with the executive council within  
4 three days, exclusive of Saturdays, Sundays and legal holidays.

5     The executive council shall hear and determine such appeal with-  
6 in thirty days. Reasonable notice of the hearing shall be given to  
7 all interested parties, allowing them an opportunity to appear, be  
8 heard, and present any relevant and material evidence. The execu-  
9 tive council may affirm the award of the director, reverse his deci-  
10 sion and accept the proposal of another bidder, or refuse all propos-  
11 als and order the director to readvertise. Any member of the exec-  
12 utive council may also bring any award by the director before the  
13 executive council for review by filing a written notice with the direc-  
14 tor within three days of an award, exclusive of Saturdays, Sundays,  
15 and legal holidays. The decision of the executive council shall be  
16 final.

1     **SEC. 8. Capitol buildings and grounds—services.** The director  
2 shall provide necessary telephone, telegraph, lighting, fuel, and water  
3 services for the state buildings and grounds located at the seat of  
4 government, except the buildings and grounds referred to in section  
5 85 hereof.

6     The director shall establish, supervise, and maintain a central  
7 mail unit for the use of all state officials and agencies located at the  
8 seat of government. All state officials and agencies located at the  
9 seat of government shall be required to dispatch first and second class  
10 mail and parcel post mail, at the mail unit for the purpose of having  
11 the mail sealed, metered, and posted.

12     The director shall allow a department to seal, meter or stamp, and  
13 post mail directly from such department if it would be more efficient  
14 and economical.

15     Postage shall not be furnished to the general assembly, its mem-  
16 bers, officers, employees, or committees.

17     The director shall assign office space in the capitol building, other  
18 state buildings, except the buildings and grounds referred to in sec-  
19 tion 85 hereof, and elsewhere in the city of Des Moines, for all ex-  
20 ecutive and judicial state agencies. Assignments may be changed  
21 at any time. The various officers to whom rooms have been so as-  
22 signed may control the same while the assignment to them is in  
23 force. Official apartments shall be used only for the purpose of con-  
24 ducting the business of the state. The term "capitol" or "capitol  
25 building" as used in the Code shall be descriptive of all buildings  
26 upon the capitol grounds. The assignment and use of physical facili-  
27 ties for the general assembly shall be pursuant to section two point  
28 five (2.5) of the Code.

1     **SEC. 9. Revolving fund.** The director shall keep an accurate  
2 itemized account for each state agency purchasing through the de-  
3 partment, state agency using services provided for by the depart-  
4 ment, and postage supplied by the department.

5 1. At the end of each month the director shall render a statement  
6 to each state agency for the actual cost of items purchased through  
7 the department, the actual cost of services and postage used by the  
8 agency. The monthly statement shall also include a fair proportion  
9 of the cost of administration of the department of general services  
10 during the month. The portion of administrative costs shall be de-  
11 termined by the director subject to review by the executive council  
12 upon complaint from any state agency adversely affected.

13 2. Statements rendered to the various state agencies shall be  
14 paid by the state agencies in the manner determined by the state  
15 comptroller's office. When the statements are paid the sums shall  
16 be credited to the general service revolving fund. If any funds ac-  
17 crued to the revolving fund in excess of two hundred twenty-five  
18 thousand dollars and there is no anticipated need or use for such  
19 funds, the governor shall order the excess funds credited to the  
20 general fund of the state.

1 **SEC. 10. Capitol buildings and grounds—rules.** The director  
2 shall establish, publish, and enforce rules regulating and restricting  
3 the use by the public of the capitol buildings and grounds. The rules  
4 when established shall be posted in conspicuous places about the  
5 buildings and grounds. Any person violating any rule, except a  
6 parking regulation, shall be guilty of a misdemeanor and upon con-  
7 viction be punished by a fine of not to exceed one hundred dollars or  
8 by imprisonment in the county jail not to exceed thirty days.

1 **SEC. 11. Parking regulations.** The director shall establish, pub-  
2 lish, and enforce rules regulating, restricting, or prohibiting the use  
3 by state officials, state employees, and the public, of motor vehicle  
4 parking facilities at the state capitol complex. The rules established  
5 by the director may establish fines for violations and a procedure for  
6 payment of the fines. The director may order payment of a fine  
7 and enforce the order in the district court.

8 Motor vehicles parked in violation of the rules may be removed  
9 without the owner's or operator's consent and at the owner's or  
10 operator's expense. Motor vehicles removed and not claimed within  
11 thirty days of their removal or vehicles abandoned within the capi-  
12 tol grounds, may be disposed of in accordance with the provisions  
13 of sections three hundred twenty-one point eighty-five (321.85)  
14 through three hundred twenty-one point ninety-one (321.91) of  
15 the Code.

16 The parking rules established shall be posted in conspicuous places  
17 at the capitol complex. Copies of the rules shall be made available  
18 to all state officials and employees and any other person who re-  
19 quests a copy of the rules.

20 All fines collected by the department shall be forwarded to the  
21 treasurer of state and deposited in the general fund.

1 **SEC. 12. Duties—state buildings.** In addition to his other duties  
2 the director shall:

3 1. See that all visitors, at proper hours, are properly escorted over  
4 capitol grounds and capitol buildings, free of expense.

5 2. Have at all times, charge of and supervision over the capitol  
6 security force, janitors, and other employees of his department in



7 and about the capitol and other state buildings, except the buildings  
8 and grounds referred to in section 85 hereof, at the seat of govern-  
9 ment. The capitol security force when serving in and about the  
10 capitol and other state buildings at the seat of government are  
11 hereby designated as peace officers.

12 3. Institute, in the name of the state, and with the advice and con-  
13 sent of the attorney general, civil and criminal proceedings against  
14 any person for injury or threatened injury to any public property  
15 under his control.

16 4. Keep in his office a complete record containing an itemized ac-  
17 count of all state property, including furniture and equipment, under  
18 his care and control, and plans and surveys of the public grounds,  
19 buildings, and underground constructions at the seat of govern-  
20 ment.

21 5. Under the direction of the governor, provide, furnish, and pay  
22 for public utilities service, heat, maintenance, minor repairs, and  
23 equipment in operating and maintaining the official residence of  
24 the governor of Iowa.

25 6. At the time provided by law, make a verified report which  
26 shall cover all transactions for the preceding annual, fiscal or cal-  
27 endar period and show in detail:

28 a. All expenditures made on account of the department for public  
29 buildings and property.

30 b. The condition of all real and personal property of the state  
31 under his care and control, together with a report of any loss or  
32 destruction, or injury to any such property, with the causes thereof.

33 c. The measures necessary for the care and preservation of the  
34 property under his control.

35 d. Any recommendations as to methods which would tend to ren-  
36 der the public service more efficient and economical.

37 e. Any other matter ordered by the governor.

38 7. Perform all other duties required by law.

1 SEC. 13. **Transfer of funds.** For the purpose of implementing  
2 the duties and functions transferred to the department of general  
3 services, the state comptroller is directed to transfer and allocate,  
4 upon order of the governor, the moneys appropriated to the fol-  
5 lowing:

6 1. Superintendent of buildings and grounds.

7 2. State vehicle dispatcher.

8 3. State printing board.

9 4. Superintendent of printing.

10 5. State comptroller.

11 6. Executive council.

1 SEC. 14. **Transfer of functions.** The governor shall appoint the  
2 director of the department of general services on or before January  
3 1, 1972. The governor by executive order shall accomplish the trans-  
4 fer of functions, records, equipment, other property, and personnel  
5 provided in this Act no later than January 1, 1973. Any such pow-  
6 ers, duties, functions, responsibilities and programs not so trans-  
7 ferred, shall be transferred by operation of law on January 1, 1973.

8 The assignment of functions shall consist of a realigning of au-  
9 thority and responsibility in accord with the terms of this Act and

10 need not necessarily involve the movement of personnel or equip-  
 11 ment, the establishment of any subdivision or bureau within any  
 12 office or department, the revision of any job description, or other  
 13 detailed matter relating to the internal operation of any new office  
 14 or department.

15 Where the transfer of any particular function presents special  
 16 administrative or legal difficulties, the governor may delay the effec-  
 17 tive date of that particular transfer and shall present the reasons  
 18 therefor to the Sixty-fifth General Assembly.

1 SEC. 15. Section eight A point two (8A.2), subsection two (2),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof the following:

4 2. "Director" means the director of the department of general  
 5 services or his designee.

1 SEC. 16. Section eight A point three (8A.3), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 "All councils, boards, and commissions created by this chapter  
 5 shall be placed, for administrative purposes, in the office of the direc-  
 6 tor."

1 SEC. 17. Section eight A point four (8A.4), unnumbered para-  
 2 graph four (4), Code 1971, is amended as follows:

3 The communications division and the state educational radio and  
 4 television facility board shall coordinate their activities to achieve  
 5 the maximum possible cooperation and effective use of the available  
 6 [services and] facilities.

1 SEC. 18. Section eight A point five (8A.5), unnumbered para-  
 2 graph one (1), Code 1971, is amended as follows:

3 **8A.5 Advisory council.** The state communications advisory coun-  
 4 cil shall provide guidance to the [division] *director* in the develop-  
 5 ment, administration, unification and standardization of communica-  
 6 tion services to meet normal and emergency requirements of all state  
 7 departments. The council shall consist of the following persons or  
 8 their designated representatives:

1 SEC. 19. Section eight A point fourteen (8A.14), Code 1971, is  
 2 amended as follows:

3 **8A.14 Federal funds.** The board, the governor, or the [state  
 4 comptroller] *director* may apply for and accept federal or nonfederal  
 5 gifts, loans, or grants of funds and to use the same to pay all or  
 6 part of the cost of carrying out any project under the provisions of  
 7 this chapter.

1 SEC. 20. Section eight A point seventeen (8A.17), unnumbered  
 2 paragraph one (1), Code 1971, is amended as follows:

3 **8A.17 Joint use of facilities.** The board and [division] *director*  
 4 may arrange for joint use of available services and facilities.

1 SEC. 21. Section eight A point eighteen (8A.18), Code 1971, is  
 2 amended as follows:

3 **8A.18 Director educational facilities.** The board shall appoint [a]  
 4 *an educational facilities* director who shall not be included in the

5 Iowa merit system and fix his compensation if it is not otherwise  
6 provided by law. All appointments of personnel needed to admin-  
7 ister this chapter shall be without reference to political party affilia-  
8 tion, religious beliefs, sex, marital status, race, color, or national  
9 origin. The total amount of compensation for employees shall be  
10 subject to the limitation of the appropriation and other funds law-  
11 fully available.

1 SEC. 22. Section fifteen point one (15.1), Code 1971, is amended  
2 by striking the section and inserting in lieu thereof the following:

3 "The director of the department of general services or his designee  
4 shall administer the provisions of this chapter."

1 SEC. 23. Section fifteen point six (15.6), Code 1971, is amended  
2 as follows:

3 **15.6 Duties.** The [printing board] *director of the department of*  
4 *general services* shall:

5 1. Let contracts, except as provided in section 15.28, for all print-  
6 ing for all state offices, departments, boards, and commissions when  
7 the cost of [such] *the* printing is payable out of any taxes, fees,  
8 licenses, or funds collected for state purposes.

9 2. Direct the manner, form, style, and quantity of all public  
10 printing when [such matters are] not otherwise expressly pre-  
11 scribed by law.

12 3. Employ and discharge all assistants necessary to enable the  
13 [board] *director* to perform [its] *his* duties and determine the com-  
14 pensation of [such] *the* assistants when not otherwise determined by  
15 law.

16 4. Prescribe rules, not inconsistent with law[, for the conduct of  
17 its business].

18 [5. Keep a full and detailed record of all its meetings, actions, and  
19 proceedings.]

20 [6. Hear and determine all complaints which may be made to it  
21 with reference to any official action of the superintendent of print-  
22 ing.]

23 [7.] 5. Make [biennial] *annual, fiscal or calendar* reports to the  
24 governor [as to] *of* the cost of the public printing for each depart-  
25 ment during the preceding fiscal term, with recommendations of any  
26 retrenchments that can be made therein.

27 [8.] 6. Perform all other duties required by law.

1 SEC. 24. Section fifteen point eight (15.8), Code 1971, is  
2 amended as follows:

3 **15.8 Printing for state institutions.** The power of the [printing  
4 board] *director* to let contracts shall not embrace printing for any  
5 state institution when [such] *the* institution[, through its governing  
6 board,] is able and desires to do [such printing in] its own printing  
7 [plant].

1 SEC. 25. Section fifteen point nine (15.9), Code 1971, is amended  
2 as follows:

3 **15.9 Contracts with state institutions.** The [printing board]  
4 *director* may, without advertising for bids, enter into contracts or  
5 make provision for doing any of the work coming under the provi-  
6 sions of this and chapters 16 and 17 at any school or institution un-

7 der the ownership or control of the state. [In all such cases, the]  
 8 *The work shall be done under conditions substantially the same as*  
 9 *those provided for in the case of contracts with individuals and the*  
 10 *same standard of quality or product shall be required.*

1 SEC. 26. Section fifteen point ten (15.10), unnumbered paragraph  
 2 one (1), Code 1971, is amended as follows:

3 **15.10 Specifications and rules.** The [printing board] *director* shall,  
 4 from time to time, adopt and print specifications and rules covering  
 5 all matters relating to printing that are the subject of contracts  
 6 [, which]. *The specifications and rules shall contain, among other*  
 7 *things, the following:.*

1 SEC. 27. Section fifteen point eleven (15.11), Code 1971, is  
 2 amended as follows:

3 **15.11 Advertisements for bids.** The [secretary of the board]  
 4 *director* shall [, from time to time as directed by the board,] advertise  
 5 for bids for the doing of the public printing. [Such advertisements  
 6 shall be published once each week for three consecutive weeks in  
 7 seven newspapers in seven different cities of the state, one of which  
 8 newspapers shall be published in Des Moines.]

1 SEC. 28. Section fifteen point twelve (15.12), Code 1971, is  
 2 amended as follows:

3 **15.12 Requirements.** [Said advertisements] *Advertisements* shall  
 4 state where and how specifications and other necessary information  
 5 may be obtained, the time during which the [board] *director* will  
 6 receive bids, and the day, hour, and place when bids will be publicly  
 7 opened and contracts awarded.

1 SEC. 29. Section fifteen point thirteen (15.13), Code 1971, is  
 2 amended as follows:

3 **15.13 Information furnished.** The [secretary of the board] *direc-*  
 4 *tor* shall supply prospective bidders and others on request with the  
 5 specifications and rules [of the board], blank forms for bids, sam-  
 6 ples of printing so far as possible, and all other information pertain-  
 7 ing to the subject.

1 SEC. 30. Section fifteen point fourteen (15.14), Code 1971, is  
 2 amended as follows:

3 **15.14 Specifications public.** The specifications shall be kept on file  
 4 in the office of the [secretary] *director*, open to public inspection,  
 5 together with samples, so far as possible, of the work to be done or  
 6 the material to be furnished.

1 SEC. 31. Section fifteen point fifteen (15.15), subsection four (4),  
 2 Code 1971, is amended as follows:

3 4. In the hands of the [secretary of the board] *director* by the  
 4 time fixed in the advertisements for bids.

1 SEC. 32. Section fifteen point sixteen (15.16), Code 1971, is  
 2 amended as follows:

3 **15.16 Deposit with bid or yearly bond.** Each bidder must deposit  
 4 with the [board] *director* at the time he files his bid, a certified  
 5 check payable to the state treasurer for an amount to be fixed in  
 6 the specifications, either covering all classes or items, or separate

7 checks for each bid in case he makes more than one bid, or in lieu  
8 of [such] checks the bidder may[, if he so elects,] furnish a yearly  
9 bond in an amount to be established by the [state printing board]  
10 *director*. Checks deposited by unsuccessful bidders, and by success-  
11 ful bidders when they have entered into the contract, shall be re-  
12 turned to them.

1 SEC. 33. Section fifteen point seventeen (15.17), Code 1971, is  
2 amended as follows:

3 **15.17 Opening of bids—award.** All bids shall be publicly opened  
4 and read and the contracts let at the time and place fixed therefor,  
5 or on [such] *the* adjourned day or days [as may be] named by the  
6 [board] *director*, of which adjournment all parties shall take notice.  
7 In the award of contracts, due consideration shall be given not only to  
8 the price bid, but to the mechanical and other equipment, and finan-  
9 cial responsibility of the bidder, and his ability and experience in  
10 the performance of like or similar contracts.

1 SEC. 34. Section fifteen point eighteen (15.18), Code 1971, is  
2 amended as follows:

3 **15.18 Rejection of bids—procedure.** The [board] *director* shall  
4 have the right to reject any or all bids, and in case of rejection or  
5 because of failure of a bidder to enter into a contract, the [board]  
6 *director* may advertise for and secure new bids.

1 SEC. 35. Section fifteen point nineteen (15.19), Code 1971, is  
2 amended as follows:

3 **15.19 Combination of bidders.** When the [board] *director* is sat-  
4 isfied that bidders have presented bids pursuant to an agreement,  
5 understanding, or combination to prevent free competition, [it] *he*  
6 shall reject all of them and readvertise for bids as in the first in-  
7 stance.

1 SEC. 36. Section fifteen point twenty (15.20), Code 1971, is  
2 amended as follows:

3 **15.20 Acceptance of bid.** Each accepted bid shall have endorsed  
4 thereon, over the signature of the [printing board or of a majority  
5 thereof] *director*, the word "accepted" with the date of [such] ac-  
6 ceptance. [which] *This* endorsement shall constitute immediate notice  
7 to the bidder of the fact of acceptance.

1 SEC. 37. Section fifteen point twenty-two (15.22), Code 1971, is  
2 amended as follows:

3 **15.22 Duty to enter into contract—forfeiture.** Each successful  
4 bidder must within ten days after the award, enter into a contract  
5 in accordance with his bid, and unless this is done, or the delay is for  
6 reasons satisfactory to the [board] *director*, the certified check sub-  
7 mitted with the bid shall be forfeited to the state. The specifica-  
8 tions on which the bid is made shall constitute a part of the contract.

1 SEC. 38. Section fifteen point twenty-three (15.23), Code 1971,  
2 is amended as follows:

3 **15.23 Contract provisions.** [Such] *The* contracts shall, among  
4 other provisions, provide that:

5 1. The contractor shall complete all unfinished portions of jobs  
6 or orders in hand at the expiration of the contract.

7 2. The contract may be canceled, or other agreed penalty imposed,  
8 for failure to perform the terms thereof in a manner satisfactory  
9 to the [printing board] *director*.

10 3. The contractor may be released on such conditions as may be  
11 agreed on, in case of injury to his plant by fire, or other providen-  
12 tial contingency.

13 4. In order to avoid delay and inconvenience in the departments,  
14 and unnecessary transportation charges to the state, deliveries of  
15 printing for the various state officials, departments, boards, and  
16 commissions shall be made in [such] *the* manner [as] the [printing  
17 board] *director*, after consultation with the various departments,  
18 [shall order] *orders*.

1 SEC. 39. Section fifteen point twenty-four (15.24), Code 1971,  
2 is amended as follows:

3 15.24 **Bond.** A bond for the faithful performance of the contract  
4 shall be required in connection with each contract, in an amount to  
5 be fixed by the [printing board, which] *director*. *The* bond shall be  
6 filed with [any] *and* approved by the [board] *director*.

1 SEC. 40. Section fifteen point twenty-five (15.25), Code 1971, is  
2 amended as follows:

3 15.25 **Written orders.** No printing shall be performed under  
4 any contract except on written orders therefor, on detailed forms  
5 prescribed by the [printing board] *director* and [duly] signed by the  
6 [secretary of the board] *director* or by some person authorized by  
7 the [board] *director*. Every order shall designate the contract under  
8 which the order is given, the class of the required printing, the defi-  
9 nite quantity and kind thereof, and be issued in duplicate with a stub  
10 copy preserved. A separate series of stubs and duplicates shall be  
11 used for each class of printing.

1 SEC. 41. Section fifteen point twenty-six (15.26), Code 1971, is  
2 amended as follows:

3 15.26 **Assistants outside Des Moines.** The [printing board] *di-*  
4 *rector* may, at the various points in the state, outside the city of Des  
5 Moines, at which state institutions or departments are located, ap-  
6 point assistants and empower [such] *the* assistants to issue in the  
7 name of the [printing board] *director*, orders for printing. [Such  
8 assistants] *Assistants* shall be furnished with a copy of the contract  
9 under which the orders are to be given, necessary blank order books  
10 and proper instructions as to their procedure. [Such assistants]  
11 *Assistants* on issuing an order shall immediately forward the origi-  
12 nal thereof to the [printing board] *director*.

1 SEC. 42. Section fifteen point twenty-seven (15.27), Code 1971,  
2 is amended as follows:

3 15.27 **Acceptance of printing—penalty.** No printing shall be ac-  
4 cepted as in compliance with the contract when [such printing is]  
5 not of the grade of workmanship which is usually employed by  
6 first-class printers on printing of [such] *this* class, nor when [such]  
7 *the* printing is not of the full quality contracted for. If immediate  
8 necessity and lack of time to procure printing elsewhere compel the  
9 use of defective printing furnished by a contractor, it shall be ac-  
10 cepted without approval, and one-half of the contract price thereon

11 shall be deducted as liquidated damages for [such] breach of con-  
12 tract.

1 SEC. 43. Section fifteen point twenty-eight (15.28), Code 1971,  
2 is amended as follows:

3 **15.28 Contracts by institutional heads.** The [printing board]  
4 *director* may authorize the managing board, or head, or chief ex-  
5 ecutive officer of any institution or department of the state located  
6 outside the city of Des Moines to secure, under the specifications of  
7 the [board] *director*, competitive bids for printing needed by [such]  
8 *the* institution or department, and submit [such] *the* bids to the  
9 [printing board] *director*. If [said board] *the director* approves  
10 any of [said] *the* bids, [such] *the* authorized board, head, or officer  
11 may contract for [such] *the* printing [with such bidder,] but [such]  
12 *the* contract shall not be valid until a duplicate copy [thereof] is filed  
13 with and approved by the [printing board] *director*.

1 SEC. 44. Section fifteen point twenty-nine (15.29), Code 1971,  
2 is amended as follows:

3 **15.29 Emergency contracts.** The [board] *director* may at any  
4 time award a special contract or may authorize [its] *his* assistants  
5 [as designated in section 15.26] to award a special contract for any  
6 work or material coming within the provisions of this and chapters  
7 16 and 17 but not included in contracts already in existence, or which  
8 cannot properly be made the subject of a general contract, if the  
9 amount of each [such] contract shall not exceed the amount of two  
10 thousand dollars, and if special bids have been duly solicited by the  
11 [said board] *director* from persons or firms engaged in the kind of  
12 work under consideration who have indicated a desire to bid on the  
13 class of work to be done.

1 SEC. 45. Section fifteen point thirty (15.30), Code 1971, is  
2 amended as follows:

3 **15.30 Paper.** The [board] *director* may contract for paper as part  
4 of the printing or may purchase paper and furnish the same to the  
5 contractor. All paper purchased for use of the state shall, when  
6 practicable, have a distinguishing mark or water line by which it  
7 can be identified.

1 SEC. 46. Section fifteen point thirty-one (15.31), Code 1971, is  
2 amended as follows:

3 **15.31 Paper account.** The [board] *director* shall keep an ac-  
4 curate account with anyone doing printing for the state, and  
5 charge him with the value of all paper drawn, and credit him with  
6 all paper used on behalf of the state, and compel an accounting for  
7 all paper not so used.

1 SEC. 47. Section fifteen point thirty-two (15.32), Code 1971, is  
2 amended as follows:

3 **15.32 Account with each department.** The [printing board]  
4 *director* shall keep an account with each separate officer, board, de-  
5 partment, and commission of the state to which printing is furnished  
6 by the state, [and] in [such] a manner [as] to show in detail at  
7 all times what printing has been [so] furnished and the cost thereof.

1 SEC. 48. Section fifteen point thirty-three (15.33), Code 1971, is  
2 amended as follows:

3 **15.33 Budget estimates.** Each official, board, department, com-  
4 mission or agency of the state shall file as part of its budget its esti-  
5 mate of expenditures for printing [for the ensuing biennium] and  
6 [such expenditure] *these expenditures* shall be paid from its official,  
7 board, department, commission or agency appropriation.

1 SEC. 49. Section fifteen point thirty-four (15.34), Code 1971, is  
2 amended as follows:

3 **15.34 [Superintendent] Director to separate items.** Should the  
4 amount of a warrant for printing include printing for more than one  
5 officer, board, department, or commission, the [secretary of the board  
6 of printing] *director* shall at once furnish the treasurer with a state-  
7 ment of the correct amounts chargeable under section 15.33 to each  
8 officer, board, department, or commission.

1 SEC. 50. Section fifteen point thirty-five (15.35), Code 1971, is  
2 amended as follows:

3 **15.35 Vouchers—form—audit.** All bills accruing under contracts  
4 for printing shall be filed with the [printing board] *director*. They  
5 shall be in duplicate, or in larger numbers if ordered by the [board]  
6 *director*, verified and itemized with full details necessary for compu-  
7 tation according to the terms of the contract and orders given in  
8 relation thereto or according to law, and shall be accompanied by  
9 samples of the work or materials when practicable and when [so]  
10 ordered by the [board] *director*.

11 All [such] bills shall be examined and approved by the [printing  
12 board] *director* and the duplicate vouchers passed to the state comp-  
13 troller.

14 All bills approved by the [board] *director* shall be endorsed accord-  
15 ingly before presentation to the comptroller.

1 SEC. 51. Section fifteen point thirty-six (15.36), Code 1971, is  
2 amended as follows:

3 **15.36 Centralized printing department.** A centralized printing  
4 department [be and] is hereby established under the jurisdiction of  
5 the [state printing board] *director*.

6 There is hereby appropriated from the general fund of the state  
7 to the [state printing board] *general services department* the sum  
8 of seventy-five thousand dollars to establish a permanent revolving  
9 fund. This fund may be used in supplying paper stock, offset print-  
10 ing, copy preparation, binding, and original payment of printing  
11 and binding claims for any of the state departments, bureaus, com-  
12 missions or institutions. All salaries and expenses properly charge-  
13 able thereto shall be paid from [said] *this* fund. The [state super-  
14 intendent of printing] *director* may, with the approval of the [print-  
15 ing board and the] executive council, also use [said] *the* fund for the  
16 purchase of replacement or additional equipment, if a sufficient bal-  
17 ance will remain in [said] *the* fund [which will] *to* enable the con-  
18 tinued operation of the centralized printing department.

19 The [state superintendent of printing] *director* shall periodically  
20 render a statement to each state department, bureau, commission or  
21 institution for the cost of paper stock, offset printing, copy prepara-  
22 tion or binding supplied thereto. [Such] *The* expense shall be paid



23 by the state departments, bureaus, commissions or institutions in the  
 24 same manner as other expenses of [such] *the* departments are paid,  
 25 and [such] *the* sum shall be credited to the centralized printing re-  
 26 volving fund. If a surplus accrues to [said revolving] *the* fund for  
 27 which there is no anticipated need or use, the governor shall order  
 28 [such] *the* surplus turned over to the general fund of the state.

1 SEC. 52. Section fifteen point thirty-seven (15.37), Code 1971, is  
 2 amended as follows:

3 **15.37 Printing machinery centralized—exception.** All printing  
 4 presses, except such presses owned by the auditor of state and pur-  
 5 chased pursuant to the provisions of section 11.4, and other printing  
 6 equipment owned by the state and in the possession of any depart-  
 7 ment, commission, agency, or board located in the city of Des Moines  
 8 shall be centralized in a state building in the city of Des Moines  
 9 under the control of the [state printing board] *director*.

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

1 SEC. 53. Section fifteen point thirty-eight (15.38), Code 1971, is  
 2 amended as follows:

3 **15.38 Powers and duties [of board].** The [state printing board]  
 4 *director* is hereby authorized and directed:

5 1. To possess [itself] *himself* of all [such] presses and other print-  
 6 ing equipment, inventory all of [such] *the* described equipment, and  
 7 [through] *with the approval of* the executive council sell [such of]  
 8 the above described machinery and equipment [as] *that* is no longer  
 9 necessary or is unfit for use.

10 2. To maintain [such] *the* machinery and equipment in [its] *his*  
 11 discretion, when [such] *the* equipment is outmoded and becomes  
 12 obsolescent, to purchase machinery and equipment for replacement  
 13 purposes.

14 3. To make [such] *the* printing department, its machinery and  
 15 equipment available for the state printing services when in [its]  
 16 *his* discretion it is to the best interests of the state that it, rather  
 17 than the contract procedure provided by section 15.6 shall be used;  
 18 and to effectuate this power and direction, the [state printing board]  
 19 *director* shall adopt suitable rules and regulations for the administra-  
 20 tion and fulfillment of the power and direction hereby imposed.

21 4. To install and maintain an accurate accounting system appro-  
 22 priate and fitted to the purposes and the operations of this depart-  
 23 ment. Each official, board, department, commission or agency shall  
 24 requisition the [state printing board] *director* for its printing needs,  
 25 accompanying such requisition with a statement of costs of compila-  
 26 tion and editorial work upon the material to be published.

27 5. To avoid duplication, overlapping and redundancy of pamphlets  
 28 and publications, other than official documents and books and publica-  
 29 tions authorized by chapters 14 and 17, to examine the contents of

30 proposed pamphlets or publications and to approve or disapprove  
31 such pamphlets or publications only for such reason; and to effec-  
32 tuate this power, the [state printing board] *director* shall adopt rules  
33 and regulations for its administration.

1 SEC. 54. Section fifteen point thirty-nine (15.39), Code 1971, is  
2 amended as follows:

3 15.39 **Cost systems maintained by departments.** Each official,  
4 board, department, commission or agency located outside the city  
5 of Des Moines, who maintains printing equipment, or does any  
6 printing for the state or its departments shall likewise keep an accur-  
7 ate cost system and make report each June 30 to the [printing board]  
8 *director* of [such] *the* amounts, and these shall be included in the  
9 [biennial] *annual, fiscal or calendar* report of the [state printing  
10 board] *director*.

1 SEC. 55. Section fifteen point forty-one (15.41), Code 1971, is  
2 amended as follows:

3 15.41 **Paper stock drawn [from printing board].** All mimeograph  
4 paper, envelopes and other paper stock to be used in their Des Moines  
5 offices shall be drawn by the several state departments and agencies  
6 from the [state printing board] *general services department* with its  
7 approval and charged to the several officials, boards, departments,  
8 commissions or agencies and paid from the printing appropriation of  
9 each board, official, department, commission or agency.

1 SEC. 56. Section fifteen point forty-three (15.43), Code 1971, is  
2 amended as follows:

3 15.43 **Approval required for printing.** No department or commis-  
4 sion of state located in the city of Des Moines shall expend any funds  
5 for the publication or distribution of books or pamphlets or reports  
6 unless the publication thereof be expressly required by law or ap-  
7 proved by the budget and financial control committee and the [state  
8 printing board] *director*. A violation of this section shall constitute  
9 misfeasance in office.

10 *The budget and financial control committee may direct the director*  
11 *to establish a central library and depository from which shall be dis-*  
12 *tributed all books, pamphlets, documents, reports and publications*  
13 *not required by law to be otherwise distributed. The director shall*  
14 *from time to time establish the cost of printing and mailing each*  
15 *book, pamphlet, report, document and publication. The director shall,*  
16 *thereafter, cause to be delivered, sent, or mailed to anyone requesting*  
17 *a book, pamphlet, report, document, or publication upon receipt of*  
18 *the cost thereof plus mailing charges. Anyone may examine a copy*  
19 *of any book, pamphlet, document, report or publication at the cen-*  
20 *tral library and depository. The committee may exempt from the*  
21 *provisions of this section any pamphlet or publication which only*  
22 *lists the services available from a state department or agency.*

1 SEC. 57. Section sixteen point one (16.1), Code 1971, is amended  
2 by striking the section and inserting in lieu thereof the following:

3 "The director of the department of general services shall appoint  
4 a person to administer the provisions of this chapter. This person  
5 shall be known as the superintendent of printing and shall serve at

6 the pleasure of the director without being subject to the provisions  
7 of chapter nineteen A (19A) of the Code.”

1 SEC. 58. Section sixteen point two (16.2), subsections three (3),  
2 four (4), five (5), nine (9), ten (10), eleven (11), and twelve (12),  
3 Code 1971, are amended as follows:

4 3. Have general supervision[, under the direction of said board,]  
5 of all matters pertaining to the enforcement of [the] contracts [of  
6 the] *for printing* [board].

7 [4. Keep a detailed record of all meetings and proceedings of the  
8 printing board and of the award of contracts by said board.]

9 [5.] 4. Prepare[, under the directions of said board,] the specifica-  
10 tions and advertisements for printing.

11 [9. Be *ex officio* secretary and general executive officer of the  
12 state printing board.]

13 [10.] 8. In odd-numbered years, compile for publication the Iowa  
14 official register which shall contain historical, political, and other sta-  
15 tistics of general value, but nothing of a partisan character.

16 [11.] 9. Annually, September 1, cause to be printed in pamphlet  
17 form, to be paid for out of the general fund not otherwise appro-  
18 priated, and gratuitously distributed upon request, the name, resi-  
19 dence, official title, salary, and traveling and subsistence expense of  
20 the personnel of each of the departments, boards, and commissions  
21 of the state government, except [such] personnel [as] *who* receive  
22 an annual salary of less than three hundred dollars. The number of  
23 [such] *the* personnel and the total amount received by them shall be  
24 shown for each department in the salary book. The head of each de-  
25 partment, board, or commission shall, on request of [said] *the* super-  
26 intendent, furnish the latter with the data covering [said] *the* par-  
27 ticular department, board, or commission. [Such] *The* report shall  
28 be mailed to each member of the general assembly within ten days  
29 after [the] printing [of such report]. All employees who have drawn  
30 salaries, fees, or expense allowances from more than one department  
31 or subdivision shall be listed separately under the proper depart-  
32 mental heading.

33 [12.] 10. Perform such other duties as are necessary, or incident  
34 to his position, or which may be ordered by the [printing board]  
35 *director*, or required by law.

1 SEC. 59. Section sixteen point five (16.5), Code 1971, is amended  
2 as follows:

3 16.5 **Appeals.** In case of a disagreement between the superin-  
4 tendent and the head of any department as to the editing of manu-  
5 script, an appeal may be taken to the [printing board] *executive*  
6 *council* which shall have authority to determine the matter in con-  
7 troversy.

1 SEC. 60. Section sixteen point seven (16.7), Code 1971, is  
2 amended as follows:

3 16.7 **Reserve supply.** The superintendent shall designate, sub-  
4 ject to the approval of the [printing board] *director*, the number of  
5 copies of reports and publications to be held in reserve, and copies  
6 thus held in reserve shall be distributed only upon the written request  
7 of the head of the department, approved by the superintendent, and  
8 ordered by the [printing board] *director*.

1 SEC. 61. Section sixteen point eight (16.8), Code 1971, as  
 2 amended by Senate File one hundred eighty-three (183),\* Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended as follows:  
 4 **16.8 Unused documents.** The superintendent shall from time to  
 5 time [make] report to the [printing board of] *director* any docu-  
 6 ments in his custody deemed not needed and which have been printed  
 7 five years or more, and if [such] *the* report has the written approval  
 8 of the head of the department from which the documents were issued,  
 9 the [printing board] *director* may condemn and order [such] *the*  
 10 documents sold, and the proceeds turned into the unappropriated  
 11 funds of the state. If a department no longer exists, approval by the  
 12 head of the department shall not be required. *If the condemned docu-*  
 13 *ments cannot be sold the director may order them destroyed.*

1 SEC. 62. Section sixteen point twenty-two (16.22), Code 1971, is  
 2 amended as follows:  
 3 **16.22 Old Codes—free distribution.** The superintendent of print-  
 4 ing may distribute gratuitously, to [interested persons] *law-enforce-*  
 5 *ment officers and other persons in his discretion*, the Code of 1897  
 6 and all supplements and supplemental supplements thereto; also all  
 7 Codes which have been issued subsequent to the Code of 1897 and  
 8 which have been supplanted by a newly issued Code; also all session  
 9 laws which antedate the publication of the last issued Code by at  
 10 least four years; provided that he shall maintain in reserve such  
 11 number of copies of each such books as may be fixed by the [execu-  
 12 tive council] *director*. Such reserve when fixed shall not be distri-  
 13 buted except on the order of the executive council.

1 SEC. 63. Section sixteen point twenty-three (16.23), Code 1971,  
 2 is amended as follows:  
 3 **16.23 Former statutes.** Upon application, in writing, from the  
 4 librarian or chief executive officer of any incorporated college in this  
 5 state, the superintendent of printing shall, upon the approval of the  
 6 [executive council] *director*, forward to said applicant, without  
 7 charge, bound volumes of the laws [heretofore] enacted.

1 SEC. 64. Section sixteen point twenty-four (16.24), subsection  
 2 fifteen (15),\*\* Code 1971, is amended as follows:  
 3 15. To the office of attorney general, to the office of the legislative  
 4 [research] *service bureau*, to the office of the legislative *fiscal direc-*  
 5 *tor* and to the reporter of the supreme court and Code editor such  
 6 number of copies as will enable them to perform the duties of their  
 7 respective offices.

1 SEC. 65. Section sixteen point twenty-four (16.24), subsection  
 2 twenty (20), Code 1971, is amended as follows:  
 3 20. To library of the judge advocate general, United States [war]  
 4 department of *defense* .....1 copy

1 SEC. 66. Section sixteen point twenty-four (16.24), Code 1971,  
 2 is amended by adding the following new subsection:

3 "To each member of the Iowa congressional delegation .....1 copy"

1 SEC. 67. Section sixteen point twenty-five (16.25), subsection  
 2 fourteen (14), Code 1971, is amended as follows:

\*Ch. 81.

\*\*See also ch. 80, §2.

3 14. To the office of the legislative [research] *service* bureau and  
4 to the office of the legislative fiscal director.....1 copy

1 SEC. 68. Section seventeen point twenty-seven (17.27), unnum-  
2 bered paragraph two (2), Code 1971, is amended as follows:

3 When such publications paid for by public funds furnished by the  
4 state, contain reprints of statutes or departmental rules, or both,  
5 they shall be sold and distributed at cost by the department ordering  
6 same if the cost per publication is one dollar or more, *unless a cen-*  
7 *tral library or depository is established by the budget and financial*  
8 *control committee.* Such publications shall be obtained from the  
9 superintendent of printing on requisition by the department and the  
10 selling price, if any, shall be determined by the printing board by  
11 dividing the total cost of printing, paper and binding by the number  
12 printed. Said price shall be set at the nearest multiple of ten to the  
13 quotient thus obtained. Distribution of such publications shall be  
14 made by the superintendent of printing gratis to public officers, pur-  
15 chasers of licenses from state departments required by statute, and  
16 departments. Funds from the sale of such publications shall be de-  
17 posited monthly in the general fund of the state.

1 SEC. 69. Section seventeen point thirty (17.30), Code 1971, is  
2 amended as follows:

3 **17.30 Inventory of state property.** Each state board, commission,  
4 department and division of state government and each institution  
5 under the control of the department of social services and the board  
6 of regents and each subdivision of the highway commission shall be  
7 responsible for keeping a written, detailed, up-to-date inventory of  
8 all real and personal property belonging to the state and under their  
9 charge, control and management. Such inventories shall be in such  
10 form as may be prescribed by the [executive council] *director of the*  
11 *department of general services.*

12 Inventories maintained in the files of each such agency of state  
13 government shall be open to public inspection and available for the  
14 information of the executive council *and director of the department*  
15 *of general services.*

1 SEC. 70. Section eighteen A point one (18A.1), Code 1971, is  
2 amended as follows:

3 **18A.1 Commission created.** There is hereby created the capitol  
4 planning commission composed of nine members: (1) four members  
5 of the general assembly, two thereof to be appointed by the speaker  
6 of the house from the membership thereof, two to be appointed by  
7 the lieutenant governor from the membership of the senate, and (2)  
8 three residents of the state of Iowa to be appointed by the governor,  
9 and (3) the [superintendent of buildings and grounds] *director of*  
10 *the department of general services or his designee* and the state archi-  
11 tect provided by section 218.58.

1 SEC. 71. Section eighteen A point three (18A.3), Code 1971, is  
2 amended by adding the following new paragraph:

3 "The commission shall, in cooperation with the director of the de-  
4 partment of general services, develop and implement within the  
5 limits of its appropriation, a five-year modernization program for  
6 the capitol complex."

1 SEC. 72. Section twenty-one point one (21.1), Code 1971, is  
2 amended as follows:

3 21.1 **Authority in governor.** Upon the taking effect of this chap-  
4 ter, the authority to assign all state-owned motor vehicles to state  
5 officers and employees, or to state offices, departments, bureaus, and  
6 commissions, shall be transferred and vested in the [governor] *de-*  
7 *partment of general services.*

1 SEC. 73. Section twenty-one point two (21.2), Code 1971, as  
2 amended by Senate File one hundred forty-six (146) and Senate  
3 File four hundred forty-nine (449), Acts of the Sixty-fourth General  
4 Assembly, First Session, is amended as follows:

5 21.2 [Car] **Vehicle dispatcher—employees—duties.** In order to  
6 carry out the powers vested in him by this chapter, the [governor]  
7 *director of the department of general services* shall appoint a  
8 state [car] *vehicle dispatcher* and such other employees as may be  
9 necessary[, their compensation to be fixed by the governor and comp-  
10 troller, but said compensation of the state car dispatcher shall be as  
11 fixed by the general assembly,] to carry out the provisions of this  
12 chapter. [The secretary of the executive council may be appointed  
13 by the governor as the state car dispatcher, without additional com-  
14 pensation.] *The state vehicle dispatcher shall serve at the pleasure*  
15 *of the director and shall not be governed by the provisions of chapter*  
16 *nineteen A (19A) of the Code.* Subject to the approval of the [gover-  
17 nor] *director*, the [said] state [car] *vehicle dispatcher* shall have the  
18 following duties:

19 1. He shall assign to a state officer or employee or to a state office,  
20 department, bureau, or commission, one or more motor vehicles  
21 which may be required by [said] *the officer or department*, after  
22 [said] *the officer or department* has shown the necessity for such  
23 transportation. The state [car] *vehicle dispatcher* shall have the  
24 power to assign [said] *a motor vehicle* either for part time or full  
25 time. He shall have the right to revoke [said] *the assignment* at  
26 any time.

27 2. The state [car] *vehicle dispatcher* may cause all state-owned  
28 motor vehicles to be inspected periodically. Whenever [such] *the*  
29 inspection reveals that repairs have been improperly made on [said]  
30 *the motor vehicle* or that the operator [of same] is not giving it  
31 the proper care, he shall report [such] *this fact* to the head of the  
32 department to which [such] *the motor vehicle* has been assigned,  
33 together with recommendation for improvement.

34 3. The state [car] *vehicle dispatcher* shall install a record system  
35 for the keeping of records of the total number of miles state-owned  
36 motor vehicles are driven and the per-mile cost of operation of each  
37 motor vehicle. Every state officer or employee shall keep a record  
38 book to be furnished by the state [car] *vehicle dispatcher* in which  
39 [such] *the officer or employee* shall enter all purchases of gasoline,  
40 lubricating oil, grease, and other incidental expense in the operation  
41 of the motor vehicle assigned to him, giving the quantity and price  
42 of each purchase, including the cost and nature of all repairs on  
43 [such] *the motor vehicle*. Each operator of a state-owned motor  
44 vehicle shall promptly prepare a report at the end of each month on  
45 forms furnished by the state [car] *vehicle dispatcher* and forward  
46 the same to him at the statehouse, giving [such] *the information*

47 [as] the state [car] *vehicle* dispatcher may request in [such] *the*  
48 report. The state [car] *vehicle* dispatcher shall each month compile  
49 the costs and mileage of state-owned motor vehicle from [such] *the*  
50 reports and keep a cost history card [of] *on* each motor vehicle and  
51 [such] *the* costs shall be reduced to a cost-per-mile basis for each  
52 motor vehicle. It shall be the duty of the state [car] *vehicle* dis-  
53 patcher to call to the attention of the head of any department to  
54 which a motor vehicle has been assigned any evidence of the mishan-  
55 dling or misuse of any state-owned motor vehicle which is called  
56 to his attention.

57 4. The state [car] *vehicle* dispatcher shall purchase all new motor  
58 vehicles for all branches of the state government. Before purchas-  
59 ing any motor vehicle he shall make requests for public bids by ad-  
60 vertisement and he shall purchase the vehicles from the lowest re-  
61 sponsible bidder for the type and make of motor vehicle designated.  
62 No passenger motor vehicle except the motor vehicle provided by  
63 the state for the use of the governor, ambulances, buses, trucks, or  
64 station wagons shall be purchased for an amount in excess of the  
65 sum of three thousand three hundred dollars; provided that if the  
66 passenger motor vehicle is to be used by the highway patrol or the  
67 drug law enforcement division or the division of criminal investiga-  
68 tion and bureau of identification for actual law enforcement, the max-  
69 imum amount shall be three thousand eight hundred dollars. Pro-  
70 vided further, that for station wagons the maximum amount shall be  
71 three thousand five hundred dollars.

72 5. All used motor vehicles turned in to the state [car] *vehicle* dis-  
73 patcher shall be disposed of by public auction, and [such] *the* sales  
74 shall be advertised in a newspaper of general circulation one week in  
75 advance of sale, and the receipts from [such] *the* sale shall be depos-  
76 ited in the depreciation fund to the credit of that unit within the de-  
77 partment or agency turning in the vehicle; except that, in the case of  
78 a used motor vehicle of special design, the state [car] *vehicle* dis-  
79 patcher may, with the approval of the executive council instead of  
80 selling it at public auction, authorize the motor vehicle to be traded  
81 for another vehicle of similar design.

82 6. The state [car] *vehicle* dispatcher may authorize the establish-  
83 ment of motor pools consisting of a number of state-owned [cars]  
84 *motor vehicles* under his supervision and which he may cause to be  
85 stored in a public or private garage. If a pool is established by the  
86 state [car] *vehicle* dispatcher, any state officer or employee desiring  
87 the use of a state-owned motor vehicle on state business shall notify  
88 the state [car] *vehicle* dispatcher of the need for a vehicle within a  
89 reasonable time prior to actual use of the motor vehicle. The state  
90 [car] *vehicle* dispatcher may assign a motor vehicle from the motor  
91 pool to the state officer or employee. If two or more state officers  
92 or employees desire the use of a state-owned motor vehicle for a trip  
93 to the same destination for the same length of time, the state [car]  
94 *vehicle* dispatcher may assign one vehicle to make the trip.

95 7. The state [car] *vehicle* dispatcher shall cause to be marked on  
96 every state-owned motor vehicle a sign in a conspicuous place which  
97 indicates its ownership by the state except cars [necessary for use  
98 in police work] *requested to be exempt by the commissioner of pub-  
99 lic safety or the director of the department of general services.* All

100 state-owned motor vehicles shall display registration plates bearing  
 101 the word "official" except cars [assigned for use in police work for  
 102 which ordinary plates may be used when necessary but only upon  
 103 order of] *requested to be furnished with ordinary plates by the com-*  
 104 *missioner of public safety or the director.* [the] *The state [car]*  
 105 *vehicle dispatcher [who] shall keep an accurate record of the reg-*  
 106 *istration plates used on all state cars.*

107 8. The state [car] *vehicle dispatcher shall have the authority to*  
 108 *make such other rules regarding the operation of state-owned mo-*  
 109 *tor vehicles, with the approval of the [governor] director of the*  
 110 *department of general services, as may be necessary to carry out the*  
 111 *purpose of this chapter.*

112 All rules and regulations adopted by the [car] *vehicle dispatcher*  
 113 *shall be approved by the [executive council] director before becom-*  
 114 *ing effective.*

115 9. All gasoline used in state-owned automobiles shall be purchased  
 116 at cost from the various installations or garages of the state high-  
 117 way commission, state board of regents, department of social serv-  
 118 ices, or state car pools throughout the state, unless such purchases  
 119 are exempted by the [car] *vehicle dispatcher.* The [car] *vehicle*  
 120 *dispatcher shall study and determine the reasonable accessibility of*  
 121 *these state-owned sources for the purchase of gasoline. If these*  
 122 *state-owned sources for the purchase of gasoline are not reasonably*  
 123 *accessible, the [car] vehicle dispatcher shall authorize the purchase*  
 124 *of gasoline from other sources.*

125 The [car] *vehicle dispatcher may prescribe a manner, other than*  
 126 *the use of the revolving fund, in which the purchase of gasoline from*  
 127 *state-owned sources shall be charged to the department or agency*  
 128 *responsible for the use of the automobile. The [car] vehicle dis-*  
 129 *patcher shall prescribe the manner in which oil and other normal*  
 130 *automobile maintenance for state-owned automobiles may be pur-*  
 131 *chased from private sources, if they cannot be reasonably obtained*  
 132 *from a state car pool.*

133 The state [car] *vehicle dispatcher may [with the approval of the*  
 134 *executive council and governor] advertise for bids and award con-*  
 135 *tracts for the furnishing of gasoline, oil, grease, and vehicle replace-*  
 136 *ment parts for all state-owned vehicles.*

1 SEC. 74. Section twenty-one point three (21.3), Code 1971, is  
 2 amended as follows:

3 **21.3 Violations—withdrawing use of car.** If any state officer or  
 4 employee violates any of the provisions of this chapter, the state  
 5 [car] *vehicle dispatcher shall have the authority to withdraw the*  
 6 *assignment of any state-owned motor vehicle to any such state offi-*  
 7 *cer or employee. An appeal from such order by the state [car]*  
 8 *vehicle dispatcher may be taken to the [governor] executive coun-*  
 9 *cil whose decision shall be final.*

1 SEC. 75. Section twenty-one point four (21.4), Code 1971, is  
 2 amended as follows:

3 **21.4 Private use—rate for state business.** No state officer or  
 4 employee shall use any state-owned [car] *motor vehicle* for his own  
 5 personal private use, nor shall he be compensated for driving his  
 6 own motor vehicle except if such is done on state business and in  
 7 such case he shall not receive more than ten cents per mile.



1 SEC. 76. Section twenty-one point five (21.5), Code 1971, is  
2 amended as follows:

3 **21.5 Penalty for private use.** Any state officer or employee found  
4 guilty of [using any state-owned motor vehicle for his own private  
5 business or pleasure] *violating the rules and regulations of the state*  
6 *vehicle dispatcher* shall, upon conviction, be fined not to exceed one  
7 hundred dollars or imprisoned not to exceed thirty days in the  
8 county jail.

1 SEC. 77. Section twenty-one point six (21.6), Code 1971, is  
2 amended as follows:

3 **21.6 Revolving fund—replenishment.** There is hereby appro-  
4 priated out of any money in the state treasury not otherwise appro-  
5 priated the sum of twenty-five thousand dollars, which shall be  
6 known as the [car] *vehicle* dispatcher revolving fund. From this  
7 fund shall be paid all purchases of gasoline, oil, tires, repairs, and  
8 all other general expenses incurred in the operation of state-owned  
9 motor vehicles, and all salaries and expenses of the [car] *vehicle*  
10 dispatcher's [department] *office* shall be paid from said fund.

11 At the end of each month the state [car] *vehicle* dispatcher shall  
12 render a statement to each state department or agency thereof for  
13 the actual cost of operation of all motor vehicles assigned to such  
14 department or agency, together with a fair proportion of the cost of  
15 administration of the state [car] *vehicle* dispatcher's [department]  
16 *office* during such month, as shall be determined by him, all subject  
17 to review by the executive council upon complaint of any state de-  
18 partment or agency adversely affected. Such expense shall be paid  
19 by the state departments or agencies in the same manner as other  
20 expenses of such department are paid, and when such cost of opera-  
21 tion and administration is paid by the department, such sum shall  
22 be credited to the [car] *vehicle* dispatcher revolving fund. If any  
23 surplus accrues to said revolving fund in excess of twenty-five thou-  
24 sand dollars for which there is no anticipated need or use, the gov-  
25 ernor may order such surplus turned over to the general fund of  
26 the state.

1 SEC. 78. Section twenty-one point seven (21.7), Code 1971, is  
2 amended as follows:

3 **21.7 Replacement fund.** The [car] *vehicle* dispatcher shall main-  
4 tain a depreciation fund for the purchase of replacement motor  
5 vehicles and additions to the fleet. The dispatcher's records shall  
6 show the total funds deposited by and credited to each department  
7 or agency thereof. At the end of each month, the state [car] *vehicle*  
8 dispatcher shall render a statement to each state department or  
9 agency thereof for additions to the fleet and depreciation on each  
10 motor vehicle assigned to and owned by such department or agency.  
11 Such depreciation expense shall be paid by the state departments  
12 or agencies in the same manner as other expenses of such depart-  
13 ment are paid, and shall be deposited in the depreciation fund to  
14 the credit of the individual motor vehicle within the department  
15 or agency thereof. The funds credited to each department or agency  
16 thereof shall remain the property of the department or agency.  
17 However, at the end of each biennium, the state [car] *vehicle* dis-

18 patcher shall cause to revert to the fund from which it accumu-  
19 lated any unassigned depreciation.

1 SEC. 79. Chapter twenty-one (21), Code 1971, is amended by  
2 adding the following new section:

3 **Assistants.** The director of the department of general services  
4 may at various points in the state, outside the city of Des Moines,  
5 where state institutions or departments are located, appoint and em-  
6 power assistants to administer in the name of the state vehicle  
7 dispatcher.

1 SEC. 80. Section thirty-six point three (36.3), Code 1971, is  
2 amended as follows:

3 **36.3 Without compensation.** [Said] *The revolutionary war me-*  
4 *memorial* commission shall serve without compensation[, but shall be  
5 furnished by the executive council with such necessary stationery and  
6 postage as will enable it to perform its duties].

1 SEC. 81. Section seventy-nine point one (79.1), unnumbered para-  
2 graph five (5), Code 1971, is amended as follows:

3 Leave of absence of thirty days per year with pay may be granted  
4 in the discretion of the head of any department to employees of  
5 such department when necessary by reason of sickness or injury;  
6 unused portions of such leave for any one year may be accumulative  
7 for three consecutive years. Provided, however, that notwithstand-  
8 ing the foregoing limitations, state highway commission mainte-  
9 nance employees, uniformed members of the division of highway safe-  
10 ty and uniformed force and members of the division of criminal in-  
11 vestigation and bureau of identification, and the division of drug  
12 law enforcement, except clerical workers, of the department of pub-  
13 lic safety may upon the recommendation of the commissioner with  
14 the approval of the executive council, be granted additional leave of  
15 absence with pay, for injuries sustained in line of duty. It is fur-  
16 ther provided that employees of institutions under the state board of  
17 regents who are employed for nine months or more in any twelve-  
18 month period shall be entitled, in the discretion of the board, to a  
19 leave of absence with pay of two and one-half days for each month  
20 of employment when necessary by reason of sickness or injury, and  
21 such portion as is unused may be accumulated to a total of ninety  
22 days acquired over a period not exceeding four consecutive years  
23 or consecutive twelve-month periods.

1 SEC. 82. Section eighty-nine point one (89.1), Code 1971, is  
2 amended as follows:

3 **89.1 Inspectors—bonds—qualifications.** The commissioner of la-  
4 bor shall, on or before the first day of July, 1941, and every two  
5 years thereafter, appoint a state boiler inspector[, subject to the  
6 approval of the executive council,] who shall work under the direct  
7 supervision of the commissioner of labor and who shall devote his  
8 full time to the duties of his office. Before entering upon the duties  
9 of his office, the state boiler inspector shall give a bond in the sum of  
10 twenty-five hundred dollars for the faithful performance of his  
11 duties, the same to be approved by the secretary of state and depos-  
12 ited in [the] *his* office [of the same]. The commissioner of labor  
13 may[, subject to the approval of the executive council,] appoint dep-

14 uty inspectors possessing the same qualifications as the state boiler  
15 inspector, whenever [the same may be] necessary to carry out the  
16 provisions of this chapter[, and such deputy inspector]. *Deputy*  
17 *inspectors* shall be subject to and governed by the same rules and  
18 regulations applicable to and governing the acts and conduct of the  
19 state boiler inspector. The person so appointed shall be a practical  
20 boilermaker or a licensed engineer and shall be qualified by not  
21 less than five years' experience in the construction, installation, re-  
22 pair and inspection of boilers, steam generators and superheaters,  
23 with knowledge of their operation and use for the generating of  
24 steam for power, heating or other purposes, and shall neither di-  
25 rectly nor indirectly be interested in the manufacture, ownership or  
26 agency of the same.

1 SEC. 83. Section ninety-one point four (91.4), Code 1971, is  
2 amended as follows:

3 **91.4 Industrial statistics and information.** The duties of said  
4 commissioner shall be:

5 1. To safely keep all records, papers, documents, correspondence,  
6 and other property pertaining to or coming into his hands by virtue  
7 of his office, and deliver the same to his successor, except as other-  
8 wise provided.

9 2. To collect, assort, and systematize statistical details relating to  
10 all departments of labor in the state[, especially in its relation to  
11 the commercial, social, educational, and sanitary conditions surround-  
12 ing the laboring classes, the means of escape from, and the protec-  
13 tion of life and health in factories, the employment of children, the  
14 number of hours of labor exacted from them and from women, and  
15 to the permanent prosperity of the mechanical, manufacturing, and  
16 productive industries of the state].

17 [3. To collect as fully as practicable such information and reliable  
18 reports from each county in the state, the amount and condition of  
19 the mechanical and manufacturing interests, the value and location  
20 of the various manufacturing and coal productions of the state, also  
21 sites offering natural or acquired advantages for the profitable loca-  
22 tion and operation of different branches of industry, he shall by cor-  
23 respondence with interested parties in other parts of the United  
24 States, impart to them such information as may tend to induce the  
25 location of mechanical and producing plants within the state, to-  
26 gether with such other information as shall tend to increase the  
27 productions, and consequent employment of producers.]

28 [4. To submit the foregoing statistics and information to the gov-  
29 ernor in biennial reports in which he shall give a statement of the  
30 business of the bureau since the last regular report, and shall com-  
31 pile therein such information as may be considered of value to the  
32 industrial interests of the state, the number of laborers and mechan-  
33 ics employed, the number of apprentices in each trade, with the  
34 nativity of such laborers, mechanics, and apprentices, wages earned,  
35 the savings from the same, with age and sex of laborers employed,  
36 the number and character of accidents, the sanitary condition of  
37 institutions where labor is employed, the proportion of married  
38 laborers and mechanics who live in rented houses, with the average  
39 annual rental, and the value of property owned by laborers and me-  
40 chanics, to include in such report what progress has been made with

41 schools new in operation for the instruction of students in the me-  
42 chanic arts, and what systems have been found most practical, with  
43 details thereof.]

44 [5] 3. To issue from time to time[, with the consent of the execu-  
45 tive council,] bulletins containing information of importance to the  
46 industries of the state and to the safety of wage earners.

47 [6] 4. To conduct and to co-operate with other interested per-  
48 sons and organizations in conducting educational programs and proj-  
49 ects on employment safety.

50 5. *Report to the governor biennially on all matters pertaining to*  
51 *the bureau of labor.*

1 SEC. 84. Section ninety-one point fourteen (91.14), Code 1971,  
2 is amended as follows:

3 **91.14 Reports and records preserved—when destroyed.** No re-  
4 port or return made to [said] *the* bureau in accordance with the pro-  
5 visions of this chapter, and no schedule, record, or document gath-  
6 ered or returned by its officers or employees, shall be destroyed within  
7 two years after the collection or receipt thereof. At the expiration  
8 of two years all records, schedules, or papers accumulating in [said]  
9 *the* bureau [during said period that may be] *and* considered of no  
10 value by the commissioner may be destroyed [by authority of the  
11 executive council first obtained].

1 SEC. 85. Section ninety-three point six (93.6), subsection nine  
2 (9), Code 1971, is amended as follows:

3 9. Establish, manage and control a special training, orientation  
4 and adjustment center or centers for the blind. Training in [such]  
5 *the* centers shall be limited to persons who are sixteen years of age  
6 or older, and the commission shall not provide or cause to be pro-  
7 vided any academic education or training to children under the age  
8 of sixteen except that the commission may provide library services to  
9 [such] *these* children. The commission shall have the power to pro-  
10 vide for the maintenance, upkeep, repair, and alteration of [such] *the*  
11 buildings and grounds [as may be] designated as centers for the  
12 blind. Such power shall include the power to spend such moneys  
13 as may be appropriated to the commission by the state for the pur-  
14 pose of carrying out the provisions of this chapter. The director of  
15 the commission for the blind[, with the approval of the executive  
16 council,] shall have the power to employ the necessary personnel to  
17 maintain and operate the center or centers, at [such] salaries [as  
18 may be] fixed by the director with the approval of the commission.

1 SEC. 86. Section ninety-four point one (94.1), Code 1971, is  
2 amended as follows:

3 **94.1 Free employment bureau.** The labor commissioner shall  
4 maintain in his office at the seat of government a department to be  
5 called the state free employment bureau, and he is hereby directed  
6 to adopt such rules and regulations as are necessary to carry out the  
7 purposes of this chapter. He shall[, with the approval of the execu-  
8 tive council,] appoint a competent person who shall be placed in  
9 charge of such work and be known as the chief clerk of the bureau,  
10 whose term of office shall be the same as that of the commissioner.

1 SEC. 87. Section ninety-eight point twelve (98.12), Code 1971,  
2 is amended as follows:

3 **98.12 Use of stamping machines.** The department[, with the  
4 consent of the executive council,] may purchase and supply suitable  
5 machines or devices to the holders of a state or manufacturer's per-  
6 mit, or authorize the leasing by the permit holder of such machines  
7 or the metering device or both, and provide under proper regulation  
8 and direction for the impression of a distinctive imprint, indicium or  
9 character upon individual packages of cigarettes, cigarette papers  
10 and tubes as evidence of the payment of the tax imposed by this chap-  
11 ter, in lieu of the purchase and affixation of stamps as provided  
12 herein.

13 In the event the director [and executive council decide] *decides* to  
14 purchase such machines they shall be paid for upon order of the  
15 director out of any funds in the state treasury not otherwise appro-  
16 priated.

17 The machines or devices shall be so constructed as to record or  
18 meter the number of impressions or indicia made and shall at all  
19 times be open for inspection by the department.

20 All of the provisions of this chapter relating to the collection of  
21 the tax by means of the sale and affixation of stamps shall apply to  
22 the use of the stamping machines or devices, including the right of  
23 refund as provided herein.

1 SEC. 88. Section one hundred eleven point three (111.3), Code  
2 1971, is amended as follows:

3 **111.3 Duties as to parks.** It shall be the duty of the commission  
4 [, under the supervision and direction of the executive council,] to es-  
5 tablish, maintain, improve, and beautify public parks and preserves  
6 upon the shores of lakes, streams, or other waters, or at other places  
7 within the state which have become historical or which are of scien-  
8 tific interest, or which by reason of their natural scenic beauty or  
9 location are adapted therefor. The commission shall have the power  
10 [under such supervision and direction,] to maintain, improve or  
11 beautify state-owned bodies of water, and to provide proper public  
12 access thereto. The commission shall have the power to provide and  
13 operate facilities for the proper public use of the areas above de-  
14 scribed.

1 SEC. 89. Section one hundred eleven point twenty-seven (111.27),  
2 Code 1971, is amended as follows:

3 **111.27 Management by municipalities.** The commission may  
4 [, subject to the approval of the executive council,] enter into an  
5 agreement or arrangement with the board of supervisors of any  
6 county or the council of any city or town whereby such county, city,  
7 or town shall undertake the care and maintenance of any lands un-  
8 der the jurisdiction of the commission. Counties, cities, and towns  
9 are authorized to maintain such lands and to pay the expense thereof  
10 from the general fund of such county, city or town as the case may  
11 be.

1 SEC. 90. Section one hundred forty-seven point twenty-seven  
2 (147.27), Code 1971, is amended as follows:

3 **147.27 Quarters.** The [executive council] *director of the depart-*  
4 *ment of general services* shall furnish each examining board with

5 suitable quarters in which to conduct the examinations held by said  
6 board at the seat of government. [When examinations are held at  
7 the state university, the superintendent of buildings and grounds  
8 shall furnish such quarters.]

1 SEC. 91. Section one hundred fifty-seven point eight (157.8),  
2 Code 1971, is amended as follows:

3 157.8 **Assistants.** The commissioner of public health, with the  
4 approval of the cosmetology examiners, shall appoint such inspectors  
5 and clerical assistants and incur such other expense as may be nec-  
6 essary to properly administer and enforce the provisions of law re-  
7 lating to the practice of cosmetology. [The amount of compensation  
8 of such appointees shall be fixed by the executive council.] There is  
9 hereby annually appropriated out of the cosmetology fund in the  
10 state treasury a sum sufficient to pay the compensation and the ex-  
11 penses of said examiners, inspectors and clerical assistants, and  
12 other necessary expense. Provided however that the entire cost of  
13 the administration and enforcement of the provisions of law relat-  
14 ing to the practice of cosmetology shall not exceed in any one year,  
15 the receipts under such laws for such year together with the balance  
16 held by the treasurer of state in the cosmetology fund from preceding  
17 years.

1 SEC. 92. Section one hundred fifty-eight point nine (158.9), Code  
2 1971, is amended as follows:

3 158.9 **Inspectors and assistants.** The commissioner of public  
4 health, with the approval of the barber examiners, shall appoint  
5 such necessary inspectors and clerical assistants as may be necessary  
6 to properly administer and enforce the provisions of this chapter.  
7 [The compensation of such inspectors and clerical assistants shall be  
8 paid from the appropriation made in section 147.25, provided, how-  
9 ever, that such appointments and the amount of compensation of  
10 such appointees shall be approved by the executive council, and pro-  
11 vided further that the] *The* entire cost of the administration and  
12 enforcement of this chapter shall not exceed in any year the receipts  
13 by virtue of this chapter for such year.

1 SEC. 93. Section two hundred forty-six point forty (246.40), Code  
2 1971, is amended as follows:

3 246.40 **Records of prisoners.** The state director shall cause to be  
4 kept at each of [said] *the* institutions the following permanent  
5 records:

- 6 1. A record of each infraction, by a prisoner, of the published rules  
7 of discipline.
- 8 2. Such other records for the use of the board of parole as [may  
9 be approved by the executive council] *they may request.*

1 SEC. 94. Section three hundred five point four (305.4), Code  
2 1971, is amended as follows:

3 305.4 **Investigations—collection—renting space.** The state geol-  
4 ogist shall investigate the characters of the various soils and their  
5 capacities for agricultural purposes; the growth of timber, the ani-  
6 mal and plant life of the state, the streams and water power, and  
7 other scientific and natural history matters that may be of practical  
8 importance and interest. For the purpose of preserving well drilling

9 samples, rock cores, fossils, and [such] other materials as may be  
 10 necessary to carry on [such] investigations, the state geologist shall  
 11 have the authority to lease or rent sufficient space for storage of  
 12 [such] *these* materials [subject to the approval of the executive coun-  
 13 cil] *with the approval of the director of the department of general*  
 14 *services*. A complete cabinet collection may, at the option of the  
 15 board, be made to illustrate the natural products of the state, and  
 16 the board may also furnish suites of materials, rocks, and fossils for  
 17 colleges and public museums within the state, if it can be done with-  
 18 out impairing the general state collection.

1 SEC. 95. Section three hundred twenty-three point thirteen  
 2 (323.13), Code 1971, is amended as follows:

3 **323.13 Chemists—employment of.** The secretary of agriculture  
 4 shall[, subject to the approval of the executive council,] employ one  
 5 or more chemists and incur such other expense as shall be necessary  
 6 for the purpose of carrying into effect the provisions of this chapter.

1 SEC. 96. Section four hundred seventy-four point forty-seven  
 2 (474.47), Code 1971, is amended as follows:

3 **474.47 Annual reports from companies.** The commission shall re-  
 4 quire annual reports from all common carriers subject to the pro-  
 5 visions of chapter 479 [to be made at the same time they make re-  
 6 port to the executive council, to cover the same period,] and pre-  
 7 scribe the manner in which specific answers to all questions upon  
 8 which it may need information shall be made.

1 SEC. 97. Section five hundred eleven point three (511.3), Code  
 2 1971, is amended as follows:

3 **511.3 Blanks for reports.** All reports contemplated under sec-  
 4 tions 508.11, 510.11, 510.13, 511.1, 511.2, 512.42, 515.63, and 515.64  
 5 may be upon forms furnished by the commissioner of insurance  
 6 [, and] who may, at his option upon authority of the [executive coun-  
 7 cil,] *director of the department of general services*, purchase [such]  
 8 forms [as are] approved by the national convention of insurance  
 9 commissioners[, known as convention edition].

1 SEC. 98. Neither the provisions of this Act nor regulations adopted  
 2 pursuant thereto shall apply in any situation where such provision  
 3 or regulation is in conflict with governing federal regulation or  
 4 where the provision or regulation would jeopardize the receipt of  
 5 federal funds.

1 SEC. 99. Sections one point eleven (1.11), fifteen point two (15.2),  
 2 fifteen point three (15.3), fifteen point four (15.4), fifteen point five  
 3 (15.5), chapter eighteen (18), sections nineteen point five (19.5),  
 4 nineteen point fifteen (19.15), nineteen point seventeen (19.17),  
 5 nineteen point eighteen (19.18), nineteen point nineteen (19.19),  
 6 nineteen point twenty (19.20), nineteen point twenty-one (19.21),  
 7 nineteen point twenty-two (19.22), nineteen point twenty-three  
 8 (19.23), nineteen point twenty-four (19.24), nineteen point twenty-  
 9 five (19.25), nineteen point twenty-six (19.26), nineteen point twenty-  
 10 seven (19.27), nineteen point twenty-eight (19.28), sections  
 11 twenty-eight point five (28.5), twenty-nine C point 6 (29C.6), eighty-  
 12 eight A point eight (88A.8), ninety-one point six (91.6), ninety-one

13 point seven (91.7), one hundred seven point nine (107.9), one hun-  
 14 dred seventeen point ten (117.10), one hundred twenty-three point  
 15 fifteen (123.15), one hundred twenty-seven point eighteen (127.18),  
 16 one hundred thirty-six point six (136.6), one hundred forty-six  
 17 point ten (146.10), one hundred sixty-nine point twenty (169.20),  
 18 three hundred twenty-one point one hundred sixty-three (321.163),  
 19 and four hundred seventy-nine point ninety-one (479.91), Code 1971,  
 20 are repealed.

Approved July 13, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 85

### STATE-OWNED AUTOMOBILES

S. F. 449

AN ACT relating to the purchase and use of state-owned automobiles.

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

1 SECTION 1. Section twenty-one point two (21.2), subsection four  
 2 (4), Code 1971, is amended as follows:

3 4. The state car dispatcher shall purchase all new motor vehicles  
 4 for all branches of the state government. Before purchasing any  
 5 motor vehicle he shall make requests for public bids by advertise-  
 6 ment and he shall purchase the vehicles from the lowest responsible  
 7 bidder for the type and make of motor vehicle designated. No pas-  
 8 senger motor vehicle except the motor vehicle provided by the state  
 9 for the use of the governor, ambulances, buses, trucks, or station wag-  
 10 ons shall be purchased for an amount in excess of the sum of [two]  
 11 *three* thousand [five] *three* hundred dollars; provided that if the  
 12 passenger motor vehicle is to be used by the highway patrol or the  
 13 [narcotics] *drug law enforcement* division or the [bureau] *division*  
 14 of criminal investigation *and bureau of identification* for actual law  
 15 enforcement, the maximum amount shall be [two] *three* thousand  
 16 eight hundred dollars. Provided further, that for station wagons the  
 17 maximum amount shall be [two] *three* thousand [eight] *five* hundred  
 18 dollars.

1 SEC. 2. Section twenty-one point two (21.2), Code 1971, is  
 2 amended by striking subsection six (6) and inserting in lieu thereof  
 3 the following:

4 6. The state car dispatcher may authorize the establishment of  
 5 motor pools consisting of a number of state-owned cars under his  
 6 supervision and which he may cause to be stored in a public or private  
 7 garage. If a pool is established by the state car dispatcher, any state  
 8 officer or employee desiring the use of a state-owned motor vehicle on  
 9 state business shall notify the state car dispatcher of the need for a  
 10 vehicle within a reasonable time prior to actual use of the motor vehi-  
 11 cle. The state car dispatcher may assign a motor vehicle from the  
 12 motor pool to the state officer or employee. If two or more state offi-



13 cers or employees desire the use of a state-owned motor vehicle for a  
 14 trip to the same destination for the same length of time, the state car  
 15 dispatcher may assign one vehicle to make the trip.

1 SEC. 3. Section twenty-one point two (21.2), Code 1971, is  
 2 amended by adding the following new subsection:

3 "All gasoline used in state-owned automobiles shall be purchased at  
 4 cost from the various installations or garages of the state highway  
 5 commission, state board of regents, department of social services, or  
 6 state car pools throughout the state, unless such purchases are ex-  
 7 empted by the car dispatcher. The car dispatcher shall study and  
 8 determine the reasonable accessibility of these state-owned sources for  
 9 the purchase of gasoline. If these state-owned sources for the pur-  
 10 chase of gasoline are not reasonably accessible, the car dispatcher  
 11 shall authorize the purchase of gasoline from other sources.

12 The car dispatcher may prescribe a manner, other than the use of  
 13 the revolving fund, in which the purchase of gasoline from state-  
 14 owned sources shall be charged to the department or agency respon-  
 15 sible for the use of the automobile. The car dispatcher shall pre-  
 16 scribe the manner in which oil and other normal automobile mainte-  
 17 nance for state-owned automobiles may be purchased from private  
 18 sources, if they cannot be reasonably obtained from a state car pool.

19 The state car dispatcher may with the approval of the executive  
 20 council and governor advertise for bids and award contracts for the  
 21 furnishing of gasoline, oil, grease, and vehicle replacement parts for  
 22 all state-owned vehicles."

1 SEC. 4. Section seven hundred forty point twenty-one (740.21),  
 2 Code 1971, is amended as follows:

3 **740.21 Labeling publicly owned motor vehicles.** All publicly  
 4 owned motor vehicles shall bear at least two labels in a conspicuous  
 5 place, one on each side of said vehicle [designating the bureau, de-  
 6 partment or commission using it]. This label shall be designed to  
 7 cover not less than one square foot of surface. This section shall  
 8 not apply to any motor vehicle which shall be specifically assigned by  
 9 the head of the department or office owning or controlling it, to en-  
 10 forcement of police regulations.

Approved May 20, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 86†

### USED STATE MOTOR VEHICLES

S. F. 146

AN ACT relating to the disposal of certain used state motor vehicles.

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

1 Section 1. Section twenty-one point two (21.2), subsection five  
 2 (5), Code 1971, is amended as follows:

3 5. All used motor vehicles turned in to the state car dispatcher shall  
 4 be disposed of by public auction, and such sales shall be advertised in  
 5 a newspaper of general circulation one week in advance of sale, and

†See Editor's note, page iii.

6 the receipts from such sale shall be deposited in the depreciation fund  
 7 to the credit of that unit within the department or agency turning in  
 8 the vehicle; except that, in the case of a used motor vehicle of special  
 9 design, the state car dispatcher may, with the approval of the execu-  
 10 tive council, instead of selling it at public auction, authorize the motor  
 11 vehicle to be traded for another vehicle of similar design.

Approved March 16, 1971.

## CHAPTER 87

### STATE USE OF PRIVATE CARS

#### S. F. 217

AN ACT relating to compensating state employees for the use of their motor vehicles.

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

1 SECTION 1. Section twenty-one point four (21.4), Code 1971, is  
 2 amended as follows:

3 **21.4 Private use—rate for state business.** No state officer or em-  
 4 ployee shall use any state-owned car for his own personal private use,  
 5 nor shall he be compensated for driving his own motor vehicle except  
 6 if such is done on state business *with the approval of the state car*  
 7 *dispatcher*, and in such case he shall not receive more than ten cents  
 8 per mile. *However, the state car dispatcher may delegate authority*  
 9 *to officials of the state, and department heads, for the use of private*  
 10 *vehicles on state business up to six thousand miles per year. When a*  
 11 *state car has been assigned to a state officer or employee he shall not*  
 12 *collect mileage for the use of his personal vehicle unless the state*  
 13 *vehicle assigned to him is not useable.*

14 *This section shall not apply to elected officers of the state, judges*  
 15 *of the district court, judges of the supreme court, or officials and em-*  
 16 *ployees of the state whose mileage is paid by other than state agencies.*

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 88

### BID BONDS

#### H. F. 112

AN ACT authorizing the use of bid bonds in lieu of certified or cashiers checks.

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

1 SECTION 1. Chapter twenty-three (23), Code 1971, is amended by  
 2 adding the following new section:

3 **"Bid bonds.** Notwithstanding any other provisions of the Code,  
 4 any contracting authority may authorize the use of bid bonds executed  
 5 by corporations authorized to contract as surety in Iowa and on a form  
 6 prescribed by the contracting authority, in lieu of certified or cashiers  
 7 checks or any other form of security otherwise required of a bidder to

8 accompany his bid on a public improvement project. The full amount  
 9 of the bid bond shall be forfeited to the contracting authority in liqui-  
 10 dation of damages sustained in the event that the bidder fails to  
 11 execute the contract as provided in the specifications or by law in the  
 12 same manner and amount as other forms of authorized security."

Approved April 15, 1971.

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CHAPTER 89†

IOWA DEVELOPMENT COMMISSION CORPORATION

H. F. 17

AN ACT relating to the Iowa development commission corporation.

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

1 SECTION 1. Section twenty-eight point eleven (28.11), Code 1971,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 "The Iowa development commission is hereby authorized to form a  
 5 corporation under the provisions of chapter five hundred four (504)  
 6 of the Code for the purpose of receiving and disbursing funds from  
 7 public or private sources to be used to further the overall development  
 8 and well-being of the state."

1 SEC. 2. Sections twenty-eight point twelve (28.12) and twenty-  
 2 eight point thirteen (28.13), Code 1971, are hereby repealed.

1 SEC. 3. Section twenty-eight point fourteen (28.14), Code 1971,  
 2 is amended to read as follows:

3 28.14 The incorporators of the corporation formed under sections  
 4 twenty-eight point eleven (28.11), twenty-eight point fifteen (28.15)  
 5 and twenty-eight point sixteen (28.16), shall be:

- 6 1. The chairman of the Iowa development commission.
- 7 2. The director of the Iowa development commission.
- 8 3. A member of the Iowa development commission selected by the  
 9 chairman.

1 SEC. 4. Section twenty-eight point fifteen (28.15), Code 1971, is  
 2 amended to read as follows:

3 28.15 The board of directors of the corporation formed under sec-  
 4 tions twenty-eight point eleven (28.11), twenty-eight point fourteen  
 5 (28.14) and twenty-eight point sixteen (28.16) shall be the members  
 6 of the Iowa development commission or their successors in office.

1 SEC. 5. Section twenty-eight point sixteen (28.16), Code 1971, is  
 2 amended to read as follows:

3 28.16 The corporation formed under sections twenty-eight point  
 4 eleven (28.11), twenty-eight point fourteen (28.14) and twenty-eight  
 5 point fifteen (28.15) is hereby authorized to accept grants of money  
 6 or property from the federal government or any other source and may  
 7 upon its own order use its money, property or other resources for any  
 8 of the purposes herein.

Approved March 5, 1971.

†See Editor's note, page iii.

## CHAPTER 90

## NATIONAL GUARD OFFICERS

## H. F. 600

AN ACT relating to the minimum age for appointment of commissioned and warrant officers in the national guard.

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

1 SECTION 1. Section twenty-nine A point twenty (29A.20), Code  
 2 1971, is amended as follows:  
 3 29A.20 **Officers.** Officers of the national guard shall be selected  
 4 from the classes of persons having the qualifications prescribed by  
 5 federal law and regulations. They shall be appointed by the governor  
 6 upon the recommendation of their superiors in the chain of command,  
 7 provided that they shall have successfully passed such tests as to  
 8 physical, moral, and professional fitness, as shall be prescribed by law  
 9 and regulations. Each officer shall take an oath of office and shall hold  
 10 office until he shall have attained the maximum age of retirement  
 11 that is prescribed by federal law or regulations pertaining to officers  
 12 of the armed forces of the United States, unless his commission or  
 13 warrant is sooner vacated by resignation, death or as hereinafter  
 14 provided. In case the officer has no immediate superiors, within the  
 15 state, in the chain of command, he shall be appointed, as above pro-  
 16 vided, upon the recommendation of the adjutant general. A commis-  
 17 sion shall designate the arm or branch of service in which the officer  
 18 is commissioned. Provided, however, that no person shall be appointed  
 19 a commissioned or warrant officer who has not reached his [twenty-  
 20 first] *eighteenth* birthday at or prior to the time of such appointment.

Approved June 14, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 91

## MILITARY LEAVE FOR CIVIL EMPLOYEES

## H. F. 274

AN ACT relating to military leave of absence for civil employees.

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

1 SECTION 1. Section twenty-nine A point twenty-eight (29A.28),  
 2 Code 1971, is amended as follows:  
 3 29A.28 **Leave of absence of civil employees.** All officers and em-  
 4 ployees of the state, or a subdivision thereof, or a municipality  
 5 [therein], *other than employees employed temporarily for six months*  
 6 *or less*, who are members of the national guard, organized reserves or  
 7 any component part of the military, naval, or air forces or nurse corps  
 8 of this state or nation, or who are or may be otherwise inducted into  
 9 the military service of this state or of the United States, shall, when  
 10 ordered by proper authority to active state or federal service, be  
 11 entitled to a leave of absence from such civil employment for the

12 period of such active state or federal service, without loss of status  
 13 or efficiency rating, and without loss of pay during the first thirty  
 14 days of such leave of absence. The proper appointing authority may  
 15 make a temporary appointment to fill any vacancy created by such  
 16 leave of absence.

Approved May 17, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 92

### GOVERNMENTAL EMERGENCY SUCCESSION

H. F. 463

AN ACT relating to emergency succession and emergency location of state and local governments.

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

1 SECTION 1. Chapters thirty-eight A (38A), thirty-eight C (38C)  
 2 and thirty-eight D (38D), Code 1971, are repealed.

Approved June 14, 1971.

## CHAPTER 93

### COUNTY ATTORNEYS

H. F. 211

AN ACT relating to the term of office of county attorneys.

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

1 SECTION 1. Section thirty-nine point seventeen (39.17), Code  
 2 1971, is amended as follows:

3 **39.17 County officers.** There shall be elected in each county at the  
 4 general election to be held in the year 1960 and every four years  
 5 thereafter, a clerk of the district court, an auditor and a sheriff who  
 6 shall hold office for a term of four years.

7 There shall be elected in each county a treasurer and a recorder of  
 8 deeds at the general election to be held in 1962 and each four years  
 9 thereafter, such officers shall be elected and hold office for a term of  
 10 four years.

11 There shall be elected in each county, at [each] *the* general election,  
 12 *held in the years 1970\* and 1972*, a county attorney, who shall hold  
 13 office for a term of two years. *There shall be elected in each county,*  
 14 *at the general election to be held in the year 1974 and each four years*  
 15 *thereafter, a county attorney who shall hold office for a term of four*  
 16 *years.*

Approved June 14, 1971.

\*According to enrolled Act.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 94†

## CONGRESSIONAL DISTRICTS

S. F. 236

AN ACT relating to congressional districts.

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

1 SECTION 1. Section forty point one (40.1), Code 1971, is amended  
2 as follows:

3 **40.1 Districts designated.** The state of Iowa is hereby organized  
4 and divided into six congressional districts, which shall be composed,  
5 respectively, of the following counties:

6 1. The first district shall consist of the counties of Benton, Powe-  
7 shiek, Iowa, Johnson, Scott, Washington, Louisa, Muscatine, Jefferson,  
8 Henry, Des Moines, Van Buren and Lee.

9 2. The second district shall consist of the counties of Winneshiek,  
10 Allamakee, Fayette, Clayton, Delaware, Dubuque, Linn, Jones, Jack-  
11 son, Cedar and Clinton.

12 3. The third district shall consist of the counties of Worth, Mitchell,  
13 Howard, Hancock, Cerro Gordo, Floyd, Chickasaw, Wright, Franklin,  
14 Butler, Bremer, Hamilton, Hardin, Grundy, Black Hawk, Buchanan,  
15 Marshall and Tama.

16 4. The fourth district shall consist of the counties of Polk, Jasper,  
17 Marion, Mahaska, Keokuk, Lucas, Monroe, Wapello, Appanoose and  
18 Davis.

19 5. The fifth district shall consist of the counties of Carroll, Greene,  
20 Boone, Story, Harrison, Shelby, Audubon, Guthrie, Dallas, Pottawat-  
21 tamie, Cass, Adair, Madison, Warren, Mills, Montgomery, Adams,  
22 Union, Clarke, Fremont, Page, Taylor, Ringgold, Decatur and Wayne.

23 6. The sixth district shall consist of the counties of Lyon, Osceola,  
24 Dickinson, Emmet, Kossuth, Winnebago, Sioux, O'Brien, Clay, Palo  
25 Alto, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wood-  
26 bury, Ida, Sac, Calhoun, Webster, Monona and Crawford.

Approved March 6, 1971.

†See Editor's note, page iii.

## CHAPTER 95

## STATE SENATORIAL AND REPRESENTATIVE DISTRICTS

H. F. 732

AN ACT to establish the composition of the general assembly and provide for election of the members thereof.

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

1 SECTION 1. The membership of the general assembly is hereby  
2 fixed at fifty senators and one hundred representatives. The gen-  
3 eral assembly declares that in establishing districts to be repre-  
4 sented by senators and representatives serving in the sixty-fifth  
5 and subsequent general assemblies, it adheres to the following  
6 principles:

- 7 1. Each senator and each representative shall represent a single-  
8 member district.
- 9 2. Each senatorial district shall consist of two entire representa-  
10 tive districts.
- 11 3. Both the senate and the house of representatives shall be ap-  
12 portioned solely on the basis of population, as shown by the 1970  
13 United States decennial census. Senatorial districts and repre-  
14 sentative districts shall, respectively, be of substantially equal pop-  
15 ulation and shall be composed of contiguous territory, as required  
16 by the Constitution of the state of Iowa and the Constitution of  
17 the United States.
- 18 4. To the extent feasible within the foregoing limitations:
- 19 a. Legislative districts shall be composed of compact territory.
- 20 b. Boundaries of legislative districts shall be drawn along coun-  
21 ty lines or, when counties must be divided, along the boundaries of  
22 townships, cities, and towns.

1 SEC. 2. As used in this Act, each reference to a specific city,  
2 town, or township means the city, town, or township so identified  
3 as its boundaries existed on April 1, 1970, the official date of the  
4 1970 United States decennial census. Unless otherwise stated in  
5 this Act, territory added to or taken from any city, town, or town-  
6 ship after April 1, 1970 shall be regarded as a part of the city,  
7 town, or township to which the territory belonged on that date, for  
8 the purposes of this Act.

- 1 SEC. 3. The membership of the senate and house of representa-  
2 tives in the sixty-fifth and subsequent general assemblies shall be  
3 determined as follows:
- 4 1. Each representative district established by section four (4)  
5 of this Act shall elect one representative for a term of two years  
6 in 1972, and every second year thereafter.
- 7 2. Each senatorial district established by section five (5) of this  
8 Act in which one, but only one, incumbent senator was residing as  
9 of June 1, 1971, shall elect one senator for a term of four years in  
10 the year next preceding the year of expiration of the term to which  
11 the resident incumbent senator was last elected, and shall elect one  
12 senator each four years thereafter.
- 13 3. Each senatorial district established by section five (5) of this  
14 Act in which no incumbent senator, or more than one incumbent  
15 senator, was residing as of June 1, 1971 shall elect one senator for  
16 a term of four years in 1972, and each four years thereafter.
- 17 4. If any new senator is elected after June 1, 1971 from a sena-  
18 torial district established by chapter forty-one (41), Code 1971, to  
19 fill a vacancy in a four-year term which began in January, 1971, but  
20 the senator so elected is a resident of a district established by sec-  
21 tion five (5) of this Act other than that in which his predecessor  
22 resided, the term of office of the senator elected to fill the vacancy  
23 shall be terminated on January 2, 1973.
- 24 5. In order to achieve compliance with the requirement of the  
25 state constitution that senators shall be classified so that as nearly  
26 as possible one-half of the members of the senate shall be elected  
27 every two years, any vacancy in a four-year senate term which  
28 began in January, 1971, occurring at a time when the governor  
29 considers it necessary to fill the vacancy by special election prior to

30 the 1972 general election, shall be filled only for the period ending  
 31 January 2, 1973. Any such vacancy occurring at a time which  
 32 will permit the vacancy to be filled at the 1972 general election  
 33 shall be filled for a term of four years beginning January 2, 1973,  
 34 regardless of whether or not a special election has previously been  
 35 held to fill the vacancy. However, this subsection shall apply only  
 36 to the first two such vacancies which may occur prior to the latest  
 37 time when it is possible to place candidates for the office of state  
 38 senator on the ballot for the 1972 general election.

- 1     SEC. 4. The state is divided into one hundred representative dis-  
 2 tricts, as follows:
- 3     1. The first representative district shall consist of:
- 4     a. All of Lyon county.
- 5     b. In Sioux county, Settlers, Sioux, Rock, Lincoln, Sheridan,  
 6 Grant, Garfield, Plato, Welcome, Capel, Lynn, Center and West  
 7 Branch townships.
- 8     2. The second representative district shall consist of:
- 9     a. In Sioux county, Buncombe, Eagle, Logan, Washington, Read-  
 10 ing, Sherman, Holland, Nassau, Floyd and East Orange townships.
- 11     b. In Plymouth county, Portland, Preston, Johnson, Grant,  
 12 Washington, Elgin, America, Fredonia, Marion and Meadow town-  
 13 ships.
- 14     3. The third representative district shall consist of:
- 15     a. In Clay county, Lone Tree and Clay townships.
- 16     b. All of O'Brien county.
- 17     c. All of Osceola county.
- 18     4. The fourth representative district shall consist of:
- 19     a. All of Clay county except Lone Tree, Clay, Logan and Garfield  
 20 townships.
- 21     b. All of Dickinson county.
- 22     5. The fifth representative district shall consist of:
- 23     a. All of Buena Vista county.
- 24     b. In Pocahontas county, Swan Lake, Marshall, Grant, Sherman,  
 25 Center, Roosevelt and Des Moines townships, Garfield township out-  
 26 side the corporate limits of Gilmore City, and the town of Rolfe.
- 27     6. The sixth representative district shall consist of:
- 28     a. In Clay county, Logan and Garfield townships.
- 29     b. All of Emmet county.
- 30     c. All of Palo Alto county, except West Bend township.
- 31     d. In Pocahontas county, Cummins and Powhatan townships.
- 32     7. The seventh representative district shall consist of:
- 33     a. All of Kossuth county, except Buffalo and Wesley townships.
- 34     b. In Humboldt county, Wacousta, Delana, Humboldt, Vernon,  
 35 Rutland, Avery, Weaver and Corinth townships.
- 36     c. In Palo Alto county, West Bend township.
- 37     d. In Pocahontas county, that part of Gilmore city\* lying in Gar-  
 38 field and Lake townships.
- 39     8. The eighth representative district shall consist of:
- 40     a. All of Hancock county.
- 41     b. In Kossuth county, Buffalo and Wesley townships.
- 42     c. All of Winnebago county.

\*According to enrolled Act.



- 43 9. The ninth representative district shall consist of:  
 44 a. In Cerro Gordo county:  
 45 (1) Grant, Lincoln, Lime Creek, Falls, Clear Lake, Lake, Mason,  
 46 Portland, Mount Vernon, Bath and Owen townships.  
 47 (2) The city of Clear Lake.  
 48 (3) The part of the city of Mason City not included in represen-  
 49 tative district ten, as described by subsection ten (10) of this sec-  
 50 tion.  
 51 b. In Mitchell county, Otranto, Newburg and Rock townships.  
 52 c. All of Worth county.
- 53 10. The tenth representative district shall consist of all of the  
 54 city of Mason City except the part lying south and west of a line  
 55 drawn as follows:  
 56 Beginning at the intersection of the Chicago, Rock Island and  
 57 Pacific railroad tracks with the southern corporate limit of the  
 58 city of Mason City, northeasterly along the Chicago, Rock Island  
 59 and Pacific railroad tracks to their intersection with the railroad  
 60 tracks running parallel to and north of state highway 106, east  
 61 along the railroad tracks running parallel to and north of state  
 62 highway 106 to Federal avenue, and south along Federal avenue to  
 63 the southern corporate limit of the city of Mason City.
- 64 11. The eleventh representative district shall consist of:  
 65 a. In Floyd county, Rock Grove, Rudd, Floyd, Cedar, Niles, and  
 66 St. Charles townships, and the city of Charles City.  
 67 b. In Howard county, Oak Dale township and that portion of the  
 68 town of Riceville lying in Jamestown township.  
 69 c. All of Mitchell county except Otranto, Newburg, and Rock  
 70 townships.
- 71 12. The twelfth representative district shall consist of:  
 72 a. All of Butler county.  
 73 b. In Floyd county, Rockford, Ulster, Scott, Union, Pleasant  
 74 Grove and Riverton townships.  
 75 c. In Franklin county, West Fork, Mott, Ingham, Geneva and  
 76 Osceola townships and the city of Hampton.
- 77 13. The thirteenth representative district shall consist of:  
 78 a. In Bremer county, Douglas, Frederika, Le Roy, Dayton, and  
 79 Sumner No. 2 townships, and the city of Sumner.  
 80 b. All of Chickasaw county except Bradford township.  
 81 c. All of Howard county except Oak Dale township and that por-  
 82 tion of the town of Riceville lying in Jamestown township.
- 83 14. The fourteenth representative district shall consist of:  
 84 a. In Allamakee county, Waterloo, Union City, Iowa, Hanover,  
 85 French Creek, Lansing, Union Prairie, Makee, Center, and Lafay-  
 86 ette townships.  
 87 b. All of Winneshiek county except Springfield, Frankville, Mili-  
 88 tary and Bloomfield townships.
- 89 15. The fifteenth representative district shall consist of:  
 90 a. In Buchanan county, that part of the town of Fairbank lying  
 91 in Fairbank township.  
 92 b. In Clayton county, Highland and Sperry townships.  
 93 c. All of Fayette county.
- 94 16. The sixteenth representative district shall consist of:  
 95 a. In Allamakee county, Ludlow, Jefferson, Paint Creek, Taylor,  
 96 Post, Franklin, Linton, and Fairview townships.

- 97       b. All of Clayton county except Highland and Sperry townships.  
 98       c. In Winneshiek county, Springfield, Frankville, Military, and  
 99 Bloomfield townships.
- 100       17. The seventeenth representative district shall consist of:  
 101       a. In Plymouth county, Westfield, Sioux, and Hancock townships.  
 102       b. In Woodbury county, a part of the city of Sioux City bounded  
 103 by a line drawn as follows:  
 104       Beginning at the intersection of the north corporate limits of  
 105 the city of Sioux City (which is the Plymouth-Woodbury county  
 106 line) and Broken Kettle road, southerly and easterly along Broken  
 107 Kettle road to Stone Park boulevard, southerly and easterly along  
 108 Stone Park boulevard to Clifton avenue, west along Clifton avenue  
 109 to Myrtle street, south along Myrtle street to West Twentieth street,  
 110 east along West Twentieth street to Hamilton boulevard, south  
 111 along Hamilton boulevard to West Nineteenth street, east along  
 112 West Nineteenth street to Omaha street, south along Omaha street  
 113 to West Seventeenth street, east along West Seventeenth street to  
 114 Cook street, south along Cook street to West Sixteenth street, east  
 115 along West Sixteenth street to Main street, south along Main street  
 116 to Fourteenth street, east along Fourteenth street to Summit street,  
 117 north along Summit street to Sixteenth street, east along Sixteenth  
 118 street to Pierce street, south along Pierce street to Fourteenth  
 119 street, east along Fourteenth street to Jackson street, south along  
 120 Jackson street to Thirteenth street, east along Thirteenth street to  
 121 Virginia street, north along Virginia street to Fourteenth street,  
 122 east along Fourteenth street to Floyd boulevard, south along Floyd  
 123 boulevard to Tenth street, west along Tenth street to Court street,  
 124 north along Court street to Eleventh street, west along Eleventh  
 125 street to Jennings street, south along Jennings street to Fifth  
 126 street, east along Fifth street to Court street, south along Court  
 127 street and its southward extension to the Missouri river (which is  
 128 the south corporate limit of the city of Sioux City), and westerly,  
 129 northerly, and east along the corporate limits of the city of Sioux  
 130 City to the intersection of the corporate limits with Broken Kettle  
 131 road, the place of beginning.
- 132       18. The eighteenth representative district shall consist of:  
 133       a. In Plymouth county, the townships of Liberty, Perry and Hun-  
 134 gerford.  
 135       b. In Woodbury county, a part of the city of Sioux City bounded  
 136 on the west by representative district seventeen, as described in  
 137 subsection seventeen (17), paragraph b, of this section, and hav-  
 138 ing as its southeastern and northern boundaries a line drawn as  
 139 follows:  
 140       Beginning at the intersection of Floyd boulevard and Eleventh  
 141 street, which is a point on the eastern boundary of district seven-  
 142 teen, east along Eleventh street to its intersection with the western-  
 143 most of the several Illinois Central railroad tracks running roughly  
 144 parallel to Floyd boulevard (which is the boundary between enu-  
 145 meration districts 53, 41, 38, 13, and 12 on the west, and enumeration  
 146 district 42 on the east, established by the United States bureau of  
 147 the census for the 1970 federal decennial census), northeasterly  
 148 along the railroad track to its intersection with Forty-first street,  
 149 northwesterly along Forty-first street to Floyd boulevard, south-

150 westerly along Floyd boulevard to Central street, north along Cen-  
 151 tral street to Forty-fourth street, west along Forty-fourth street to  
 152 Harrison street, north along Harrison street to Forty-sixth street,  
 153 west along Forty-sixth street to Rustin street, north along Rustin  
 154 street to the north corporate limit of the city of Sioux City (which  
 155 is the Plymouth-Woodbury county line), and west along the corpo-  
 156 rate limit to its intersection with Broken Kettle road, which is a  
 157 point on the boundary of representative district seventeen.

158 19. The nineteenth representative district shall consist of the fol-  
 159 lowing portions of Woodbury county:

160 a. All of the unincorporated territory of Woodbury township.

161 b. The town of Sergeant Bluff.

162 c. A part of the city of Sioux City partially bounded on the west  
 163 and north by representative districts seventeen and eighteen, as de-  
 164 scribed in subsections seventeen (17) and eighteen (18) of this sec-  
 165 tion, and having as the remainder of its boundary a line drawn  
 166 as follows:

167 Beginning at the intersection of Eleventh street and the west-  
 168 ernmost of the Illinois Central railroad tracks which run generally  
 169 parallel to Floyd boulevard (which is a point on the boundary of  
 170 representative district eighteen), south along that railroad track to  
 171 its intersection with Sixth street, east along Sixth street to Plym-  
 172 outh street, south and southwesterly along Plymouth street to  
 173 Gordon drive, east along Gordon drive to Westcott street, north  
 174 along Westcott street to Correctionville road, east along Correction-  
 175 ville road to the east corporate limits of the city of Sioux City and  
 176 generally south, west and north along the eastern, southern, and  
 177 western corporate limits of the city of Sioux City to the intersec-  
 178 tion of the Missouri river (which is the corporate limit of the city  
 179 of Sioux City) with the southward extension of Court street, which  
 180 is a point on the boundary of representative district seventeen.

181 20. The twentieth representative district shall consist of:

182 a. In Plymouth county, Remsen, Plymouth, Stanton, Union,  
 183 Henry, Lincoln, Elkhorn and Garfield townships.

184 b. The following portions of Woodbury county:

185 (1) Concord, Banner, Arlington, Rutland, Union, Floyd, Mo-  
 186 ville, Wolf Creek, Kedron, Rock, Grange, West Fork, Grant, Mil-  
 187 ler, Morgan, Lakeport, Sloan, Willow, Little Sioux, Oto, and Lis-  
 188 ton townships, and all of Liberty township outside the corporate  
 189 limits of the town of Sergeant Bluff.

190 (2) A part of the city of Sioux City bounded on the west and  
 191 south by representative districts eighteen and nineteen, as described  
 192 by subsections eighteen (18) and nineteen (19) of this section, and  
 193 having as its northern and eastern boundary that portion of the  
 194 corporate limits of the city of Sioux City running from the inter-  
 195 section of the northern corporate limits with Rustin street, which  
 196 is a point on the boundary of representative district eighteen, east  
 197 and south to the intersection of the eastern corporate limits with  
 198 Correctionville road, which is a point on the boundary of repre-  
 199 sentative district nineteen.

200 21. The twenty-first representative district shall consist of:

201 a. All of Cherokee county.

202 b. All of Ida county.

- 203 c. In Sac county, Eden and Eureka townships.  
204 22. The twenty-second representative district shall consist of:  
205 a. All of Calhoun county.  
206 b. All of Sac county except Eureka and Eden townships.  
207 23. The twenty-third representative district shall consist of:  
208 a. In Pocahontas county, Dover, Lincoln, Cedar, Colfax, Bellville,  
209 and Lizard townships, and that part of Lake township lying out-  
210 side the corporate limits of Gilmore City.  
211 b. In Webster county:  
212 (1) Jackson, Deer Creek, Johnson, Douglas, Fulton, Elkhorn,  
213 Roland, and Clay townships.  
214 (2) That part of Lost Grove township lying outside the corpo-  
215 rate limits of the town of Gowrie.  
216 (3) That part of Cooper township north of U. S. highway 20.  
217 (4) That part of the city of Fort Dodge to the east and north of  
218 a line drawn through the city as follows:  
219 Beginning with the intersection of Sixteenth Avenue North and  
220 North Seventh street, south on North Seventh street to Sixth  
221 street, south on Sixth street to Dakota street, east on Dakota street  
222 to Ninth street, north on Ninth street to Seventh Avenue North,  
223 east on Seventh Avenue North to Twelfth street, south on Twelfth  
224 street to First avenue, east on First avenue to Sixteenth street,  
225 north on Sixteenth street to Third avenue, west on Third avenue  
226 to North Fifteenth street, north on North Fifteenth street to North  
227 Sixth avenue, east on North Sixth avenue to Twentieth street, south  
228 on Twentieth street to Third Avenue North, east on Third Avenue  
229 North to Twenty-second street, south on Twenty-second street to  
230 First Avenue North, west on First Avenue North to Twenty-first  
231 street, south on Twenty-first street to Fourth Avenue South, west  
232 on Fourth Avenue South to Seventeenth street, south on Seven-  
233 teenth street to Mason Memorial drive, southeast on Mason Mem-  
234 orial drive to South Fifteenth street, south on South Fifteenth street  
235 to the Chicago Great Western railroad tracks, southeast on the  
236 Chicago Great Western railroad tracks to the Illinois Central rail-  
237 road tracks, northwest on the Illinois Central railroad tracks to  
238 Kenyon road, southeast on Kenyon road to the main channel of  
239 the Des Moines river, south on the Des Moines river to the westerly  
240 extension of Fifteenth Avenue South, east on the westerly extension  
241 of Fifteenth Avenue South and Fifteenth Avenue South to Twenty-  
242 second street, and south on Twenty-second street to the corporate  
243 limits of the city of Fort Dodge.  
244 24. The twenty-fourth representative district shall consist of:  
245 a. In Webster county:  
246 (1) Badger, Newark, Colfax, Otho, Pleasant Valley, Washington,  
247 Sumner, Burnside, Webster, Yell, and Hardin townships, and that  
248 part of Cooper township lying south of U.S. highway 20.  
249 (2) That part of the city of Fort Dodge not included in repre-  
250 sentative district twenty-three, as described in subsection twenty-  
251 three (23) of this section.  
252 b. In Wright county, Wall Lake, Woolstock, and Troy townships,  
253 that part of Eagle Grove township outside the corporate limits of  
254 the town of Goldfield, and those parts of Dayton and Lincoln town-  
255 ships outside the corporate limits of the city of Clarion.

- 256 25. The twenty-fifth representative district shall consist of:  
 257 a. In Cerro Gordo county, Union, Grimes, Pleasant Valley, Gene-  
 258 seo and Dougherty townships.  
 259 b. In Franklin county, Wisner, Richland, Ross, Scott, Marion,  
 260 Morgan, Hamilton, Reeve, Oakland, Lee and Grant townships, and  
 261 the town of Sheffield.  
 262 c. In Humboldt county:  
 263 (1) Grove, Lake, Beaver and Norway townships.  
 264 (2) The town of Dakota City.  
 265 (3) The city of Humboldt.  
 266 d. In Wright county:  
 267 (1) Boone, Nodaway, Belmond, Pleasant, Liberty, Lake, Grant,  
 268 Iowa, Blaine and Vernon townships.  
 269 (2) That part of the city of Clarion lying in Dayton and Lincoln  
 270 townships.  
 271 (3) That part of the town of Goldfield lying in Eagle Grove  
 272 township.  
 273 26. The twenty-sixth representative district shall consist of:  
 274 a. In Hamilton county, Fremont, Cass, Blairsburg, and Williams  
 275 township, and the city of Webster City.  
 276 b. In Hardin county, Alden, Hardin, Etna, Buckeye, Ellis, Jack-  
 277 son, Clay, Pleasant, and Eldora townships, and the city of Eldora.  
 278 27. The twenty-seventh representative district shall consist of:  
 279 a. In Chickasaw county, Bradford township.  
 280 b. In Bremer county, Polk, Lafayette, Warren, Fremont, Wash-  
 281 ington, Jackson, Jefferson, Maxfield and Franklin townships, and  
 282 the city of Waverly.  
 283 c. The following portions of Black Hawk county:  
 284 Union, Washington, Mount Vernon, Bennington, Lester, and  
 285 Barclay townships, and all of East Waterloo township outside the  
 286 town of Elk Run Heights and the cities of Evansdale and Waterloo,  
 287 except the part of unincorporated East Waterloo township bounded  
 288 on the southeast and north by the corporate limits of the city of  
 289 Waterloo, and on the west by the Cedar Falls-East Waterloo town-  
 290 ship boundary.  
 291 28. The twenty-eighth representative district shall consist of  
 292 the following portions of Black Hawk county:  
 293 a. That part of the unincorporated portion of Cedar Falls town-  
 294 ship bounded on the north, west, and south by the corporate limits  
 295 of the city of Cedar Falls, and on the east by the Cedar Falls-East  
 296 Waterloo township line.  
 297 b. All of the city of Cedar Falls except that portion lying gener-  
 298 ally south of a line drawn as follows:  
 299 Beginning at the intersection of the western corporate limits of  
 300 the city of Cedar Falls and Dike road, northeasterly along Dike  
 301 road to the point where it crosses a tributary of Dry Run creek,  
 302 southeasterly along that tributary and easterly and northeasterly  
 303 along Dry Run creek to Twenty-seventh street, east along Twenty-  
 304 seventh street to Main street, south along Main street to Orchard  
 305 drive, east along Orchard drive to Knoll Ridge road, south along  
 306 Knoll Ridge road and the southward extension of Knoll Ridge road  
 307 to its intersection with the westward extension of Green Hill road,  
 308 and east along the westward extension of Green Hill road and Green

309 Hill road to the eastern corporate limits of the city of Cedar Falls.  
310 29. The twenty-ninth representative district shall consist of the  
311 following portions of Black Hawk county:

312 a. Black Hawk and Lincoln townships and all of Cedar Falls  
313 township outside the city of Cedar Falls except that part assigned  
314 to the twenty-eighth representative district by subsection twenty-  
315 eight (28) of this section.

316 b. That part of the city of Cedar Falls not included in the twenty-  
317 eighth representative district.

318 c. A part of the city of Waterloo bounded by a line drawn as fol-  
319 lows:

320 Beginning at the intersection of the common boundary of East  
321 Waterloo and Waterloo townships with the main channel of the  
322 Cedar river, generally southeasterly along the main channel of the  
323 Cedar river to Mullan avenue, southwesterly along Mullan avenue  
324 to Washington street, southeasterly along Washington street to  
325 West Eleventh street, south along West Eleventh street to South  
326 street, west along South street to Linwood avenue, south along  
327 Linwood avenue to Grant avenue, west along Grant avenue to  
328 Hammond avenue, south along Hammond avenue to Williston ave-  
329 nue, west along Williston avenue to Johnson street, northwest-  
330 erly along Johnson street to Allen street, north and northwesterly  
331 along Allen street to West Fourth street, southwesterly along West  
332 Fourth street to Ansborough avenue, south along Ansborough ave-  
333 nue to its intersection with the south corporate limits of the city  
334 of Waterloo, and west and north along the southern and western  
335 corporate limits of the city of Waterloo to the intersection of the  
336 common boundary of East Waterloo and Waterloo townships with  
337 the main channel of the Cedar river, the place of beginning.

338 30. The thirtieth representative district shall consist of the fol-  
339 lowing portions of Black Hawk county:

340 a. Cedar, Eagle, and Orange townships.

341 b. A part of the city of Waterloo bounded on the northwest and  
342 west by representative district twenty-nine, as described in sub-  
343 section twenty-nine (29) of this section, and having as its southern,  
344 eastern, and northeastern boundaries a line drawn as follows:

345 Beginning at the intersection of Ansborough avenue and the  
346 southern corporate limits of the city of Waterloo, which is a point  
347 on the boundary of representative district twenty-nine, east, north,  
348 and west along the corporate limits of the city of Waterloo to the  
349 point where the common corporate limits of the cities of Evansdale  
350 and Waterloo intersect the main channel of the Cedar river, and  
351 continuing generally northwesterly along the main channel of the  
352 Cedar river to Mullan avenue, which is also a point on the bound-  
353 ary of representative district twenty-nine.

354 31. The thirty-first representative district shall consist of a part  
355 of the city of Waterloo, and that part of the unincorporated area  
356 of East Waterloo township consisting primarily of George Wyth  
357 state park, bounded on the east, north, and west, and partially  
358 bounded on the south, by representative districts twenty-seven,  
359 twenty-eight, twenty-nine, and thirty, as described in subsections  
360 twenty-seven (27), twenty-eight (28), twenty-nine (29), and thirty  
361 (30), respectively, of this section, and having as the remainder of its

362 southern boundary that portion of the common corporate lim-  
363 its of the cities of Evansdale and Waterloo running from the  
364 intersection of the extension of Randall avenue and the main chan-  
365 nel of the Cedar river north and southeasterly to the point where  
366 the northern corporate limits of the city of Evansdale and the  
367 eastern corporate limits of the city of Waterloo diverge.

368 32. The thirty-second representative district shall consist of:

369 a. In Black Hawk county:

370 (1) Poyner, Fox and Spring Creek townships.

371 (2) The city of Evansdale and the town of Elk Run Heights.

372 b. All of Buchanan county except Madison, Fremont, Middlefield,  
373 and Newton townships, and that portion of the town of Fairbank  
374 lying in Buchanan county.

375 33. The thirty-third representative district shall consist of:

376 a. In Buchanan county, Madison, Fremont, Middlefield and New-  
377 ton townships.

378 b. All of Delaware county.

379 c. In Dubuque county, New Wine and Cascade townships, and that  
380 portion of Dodge township lying outside the corporate limits of  
381 the town of Farley.

382 34. The thirty-fourth representative district shall consist of:

383 a. All of Dubuque county outside the corporate limits of the city  
384 of Dubuque, except New Wine and Cascade townships and that por-  
385 tion of Dodge township lying outside the corporate limits of the  
386 town of Farley.

387 b. A part of the city of Dubuque bounded by a line drawn as fol-  
388 lows:

389 Beginning at the intersection of the northern corporate limits of  
390 the city of Dubuque and West Central avenue, southeasterly along  
391 West Central avenue to West Thirty-second street, westerly along  
392 West Thirty-second street to Grandview avenue, southerly along  
393 Grandview avenue to Kaufman avenue, easterly along Kaufman  
394 avenue to West Central avenue, northwesterly along West Central  
395 avenue to East Twenty-eighth street, northeasterly along East  
396 Twenty-eighth street to the Chicago Great Western railway tracks,  
397 and northwesterly along those railway tracks to the northern cor-  
398 porate limits of the city of Dubuque.

399 c. In Jackson county, Prairie Springs and Tete Des Morts town-  
400 ships.

401 35. The thirty-fifth representative district shall consist of a part  
402 of the city of Dubuque bounded on the north, west, and south by  
403 representative district thirty-four, as described in subsection thir-  
404 ty-four (34) of this section, and having as its eastern boundary a  
405 line drawn as follows:

406 Beginning at the intersection of Kaufman avenue and Hemp-  
407 stead street, which is a point on the boundary of representative  
408 district thirty-four, southwesterly along Hempstead street to Lowell  
409 street, east along Lowell street to Schroeder street, south along  
410 Schroeder street to Clarke drive, easterly along Clarke drive to  
411 Foye street, south along Foye street to Locust street, west along  
412 Locust street to Pierce street, south along Pierce street to Quigley  
413 lane, northeasterly along Quigley lane to Catherine street, south-  
414 east along Catherine street to West Seventeenth street, northeast

415 along West Seventeenth street to White street, southeasterly along  
 416 White street to East Fourteenth street, southeasterly along East  
 417 Fourteenth street to Bluff street, southeasterly along Bluff street  
 418 to West Ninth street, southwesterly along West Ninth street to  
 419 University avenue, westerly along University avenue to Spruce  
 420 street, northeasterly along Spruce street to West Eleventh street,  
 421 southwesterly along West Eleventh street to Prairie street, north-  
 422 westerly along Prairie street to Loras boulevard, southwest along  
 423 Loras boulevard to Grandview avenue, southeasterly along Grand-  
 424 view avenue to Whelan street, southwest along Whelan street to  
 425 Bradley street, southeast along Bradley street to Rider street, north-  
 426 east along Rider street to Grandview avenue, southerly along Grand-  
 427 view avenue to Bryant street, northerly along Bryant street to Mt.  
 428 Loretta avenue, east along Mt. Loretta avenue to St. George street,  
 429 southeasterly along St. George street to Tressa street, easterly  
 430 along Tressa street to Samuel street, southeasterly along Samuel  
 431 street to Southern avenue, northeasterly along Southern avenue to  
 432 Railroad avenue, northeast along Railroad avenue and Railroad ave-  
 433 nue extended to the main channel of the Mississippi river and  
 434 southerly along the main channel of the Mississippi river (which  
 435 is the eastern corporate limit of the city of Dubuque) to its inter-  
 436 section with the southern corporate limits of the city of Dubuque,  
 437 which is also a point on the boundary of representative district  
 438 thirty-four.

439 36. The thirty-sixth representative district shall consist of a por-  
 440 tion of the city of Dubuque bounded on the north, west, and south by  
 441 representative districts thirty-four and thirty-five, as described in  
 442 subsection thirty-four (34) and thirty-five (35), respectively, of this  
 443 section, and having as its eastern boundary a portion of the main  
 444 channel of the Mississippi river (which is the eastern corporate limit  
 445 of the city of Dubuque) running from the intersection of the northern  
 446 corporate limits of the city of Dubuque with the main channel of the  
 447 Mississippi river, which is a point on the boundary of representative  
 448 district thirty-four, southerly along the main channel of the Missis-  
 449 sippi river to its intersection with the extension of Railroad avenue,  
 450 which is a point on the boundary of representative district thirty-five.

451 37. The thirty-seventh representative district shall consist of:

- 452 a. All of Carroll county except Richland and Union townships.
- 453 b. In Crawford county, Stockholm, Jackson, Goodrich, Milford,  
 454 Westside, Hayes, Union, Washington, Nishnabotny and Iowa town-  
 455 ships, and that portion of East Boyer township lying outside the  
 456 corporate limits of the city of Denison.

457 38. The thirty-eighth representative district shall consist of:

- 458 a. In Adair county, Adair and Summit townships.
- 459 b. All of Audubon county.
- 460 c. All of Cass county except Pleasant township.
- 461 d. In Guthrie county, Bear Grove, Baker, Grant and Thompson  
 462 townships.

463 39. The thirty-ninth representative district shall consist of:

- 464 a. In Carroll county, Richland and Union townships.
- 465 b. In Dallas county, Dallas, Lincoln, Linn and Union townships.
- 466 c. All of Greene county.
- 467 d. All of Guthrie county except Bear Grove, Baker, Grant, Thomp-



- 468 son, Beaver, Jackson, Penn and Stuart townships.  
 469 e. In Webster county, Gowrie township and that part of the  
 470 town of Gowrie lying in Lost Grove township.  
 471 40. The fortieth representative district shall consist of:  
 472 a. All of Boone county.  
 473 b. In Webster county, Dayton township.  
 474 41. The forty-first representative district shall consist of the  
 475 following portions of Story county:  
 476 a. Lafayette and Howard townships, and those parts of Franklin,  
 477 Milford and Grant townships lying outside the corporate limits  
 478 of the city of Ames.  
 479 b. The city of Nevada.  
 480 c. The part of the city of Ames lying north of a line drawn as  
 481 follows:  
 482 Beginning at the intersection of the western corporate limits of  
 483 the city of Ames and Ontario street, east along Ontario street and  
 484 the eastward extension of Ontario street to the point where it coin-  
 485 cides with Thirteenth street, continuing east along Thirteenth street  
 486 to Squaw creek, southeasterly and south along Squaw creek to the  
 487 Chicago and Northwestern railroad tracks, and easterly along the  
 488 main line Chicago and Northwestern railroad track to its inter-  
 489 section with the eastern corporate limits of the city of Ames.  
 490 42. The forty-second representative district shall consist of the  
 491 following portions of Story county:  
 492 a. Palestine and Union townships and that portion of Washing-  
 493 ton township lying outside the corporate limits of the city of Ames.  
 494 b. All of the city of Ames, except the part assigned to represent-  
 495 ative district forty-one by subsection forty-one (41) of this section.  
 496 43. The forty-third representative district shall consist of:  
 497 a. In Hamilton county, Freedom, Independence, Liberty, Rose  
 498 Grove, Webster, Hamilton, Lyon, Lincoln, Marion, Clear Lake, Ells-  
 499 worth and Scott townships.  
 500 b. In Hardin county, Sherman, Tipton, Concord, Grant, Provi-  
 501 dence and Union townships.  
 502 c. In Jasper county, Clear Creek, Independence, Poweshiek,  
 503 Sherman, Malaka and Washington townships.  
 504 d. In Marshall county, Liberty, Bangor, Eden, Logan, and Jef-  
 505 ferson townships.  
 506 e. In Story county, Warren, Lincoln, Richland, Sherman, New  
 507 Albany, Indian Creek and Collins townships and that portion of  
 508 Nevada township lying outside the corporate limits of the city of  
 509 Nevada.  
 510 44. The forty-fourth representative district shall consist of the  
 511 following portions of Jasper county: Mariposa, Newton, Kellogg,  
 512 Rock Creek, Mound Prairie, Palo Alto, Buena Vista, Richland, Des  
 513 Moines, Fairview, Elk Creek and Lynn Grove townships.  
 514 45. The forty-fifth representative district shall consist of the fol-  
 515 lowing portions of Marshall county:  
 516 a. Washington township and that portion of Timber Creek town-  
 517 ship lying outside the corporate limits of the city of Marshalltown.  
 518 b. All of the city of Marshalltown.  
 519 46. The forty-sixth representative district shall consist of:  
 520 a. All of Grundy county.

- 521 b. In Marshall county, Liscomb, Vienna, Iowa, Taylor, Minerva,  
522 State Center and Greencastle townships, and those portions of Mari-  
523 etta, Marion and Le Grand townships lying outside the corporate  
524 limits of the city of Marshalltown.
- 525 c. In Tama county, Lincoln, Grant, Buckingham, Geneseo, Spring  
526 Creek, Crystal, Carlton and Howard townships.
- 527 47. The forty-seventh representative district shall consist of:
- 528 a. In Jasper county, Hickory Grove township.
- 529 b. All of Poweshiek county.
- 530 c. In Tama county, Indian Village, Toledo, Tama, Highland, Co-  
531 lumbia, Richland, and Salt Creek townships.
- 532 48. The forty-eighth representative district shall consist of:
- 533 a. All of Benton county, except Florence and St. Clair townships  
534 and that portion of Leroy township lying outside the corporate lim-  
535 its of the town of Luzerne.
- 536 b. In Black Hawk county, Big Creek township.
- 537 c. In Tama county, Perry, Clark, Carroll, Oneida, Otter Creek,  
538 and York townships.
- 539 49. The forty-ninth representative district shall consist of the  
540 following portions of Linn county:
- 541 a. Grant, Washington and Otter Creek townships.
- 542 b. Parts of Clinton, Marion, and Monroe townships, and of the  
543 cities of Cedar Rapids and Marion, bounded by a line described as  
544 follows:
- 545 Beginning at the intersection of the western corporate limits of  
546 the city of Cedar Rapids and the boundary between Clinton and  
547 Fairfax townships, west along the Clinton-Fairfax township bound-  
548 ary to county road 14, north along county road 14 to the point  
549 where it coincides with the western corporate limits of the city of  
550 Cedar Rapids, continuing generally northward and eastward to the  
551 point where the corporate limits coincide with "E" Avenue North-  
552 west, east along "E" Avenue Northwest to the northward exten-  
553 sion of Zelda Drive Northwest, south along the northward exten-  
554 sion of Zelda Drive Northwest and Zelda Drive Northwest to Mid-  
555 way Drive Northwest, east along Midway Drive Northwest to the  
556 point where the line which represented the corporate limits of the  
557 city of Cedar Rapids at the time of the 1960 federal decennial cen-  
558 sus leaves Midway Drive Northwest, then north to "E" Avenue  
559 Northwest and east along "E" Avenue Northwest and again north  
560 and then west following the line of the 1960 corporate limits of the  
561 city of Cedar Rapids (which is the boundary between districts 153  
562 and 156, as established by the United States bureau of the census  
563 for the 1970 federal decennial census) until that line again coin-  
564 cides with the 1970 corporate limits of the city of Cedar Rapids,  
565 north along the 1970 corporate limits to state highway 94, south-  
566 easterly and east along state highway 94 to Edgewood Road North-  
567 west, north along Edgewood Road Northwest to its intersection  
568 with Westwood Drive Northwest, continuing generally northward,  
569 southwesterly, and northwesterly along the 1970 corporate limits  
570 of the city of Cedar Rapids to the point in Seminole Valley Park  
571 where the corporate limits leave the Cedar river, continuing gener-  
572 ally north and northwesterly along the Cedar river to its intersec-  
573 tion with the northern boundary of Monroe township, east and

574 south along the northern and eastern boundaries of Monroe town-  
575 ship to the point where the boundary between Monroe and Marion  
576 townships intersects the northern corporate limit of the city of  
577 Cedar Rapids, east along the northern corporate limits of the city  
578 of Cedar Rapids to the point where the limits coincide with the  
579 corporate limits of the city of Marion, generally south along the  
580 common corporate limits of the cities of Cedar Rapids and Marion  
581 to the Chicago, Milwaukee, St. Paul, and Pacific railroad tracks  
582 running generally parallel to Blairs Ferry road, east along the Chi-  
583 cago, Milwaukee, St. Paul and Pacific railroad tracks to the point  
584 where the corporate limits of the city of Marion depart from the  
585 railroad track, south along the corporate limits of the city of Mar-  
586 ion to the point where the limits coincide with Blairs Ferry road,  
587 east along Blairs Ferry road to the point where the corporate lim-  
588 its of the city of Marion depart from that street, south and east  
589 along the corporate limits of the city of Marion to the point where  
590 those corporate limits coincide with Lindale drive, southwesterly  
591 along Lindale drive to Collins Road Northeast, west along Collins  
592 Road Northeast and Fiftieth Street Northeast to Center Point  
593 Road Northeast, north along Center Point Road Northeast to the  
594 Chicago, Milwaukee, St. Paul, and Pacific railroad tracks, westerly  
595 along the Chicago, Milwaukee, St. Paul, and Pacific railroad to the  
596 point where the line which was the 1960 corporate limits of the  
597 city of Cedar Rapids runs south from the railroad tracks, south  
598 along the 1960 corporate limits of the city of Cedar Rapids (which  
599 is the boundary between enumeration districts 86 and 87 estab-  
600 lished by the United States bureau of the census for the 1970 fed-  
601 eral decennial census) to Forty-second Street Northeast, west along  
602 Forty-second Street Northeast to Glass Road Northeast, south  
603 along Glass Road Northeast to the point where the corporate lim-  
604 its of the city of Cedar Rapids depart from Glass Road Northeast,  
605 generally westward and northward along the corporate limits of  
606 the city of Cedar Rapids to Forty-second Street Northeast, west  
607 along Forty-second Street Northeast to the Chicago, Rock Island,  
608 and Pacific railroad tracks which run generally parallel to Ushers  
609 Ferry road, southeasterly along the Chicago, Rock Island, and Pa-  
610 cific railroad tracks to the point where the railroad tracks parallel  
611 the Cedar river, continuing southeasterly along the Cedar river to  
612 its intersection with the northeasterly extension of Ellis Lane  
613 Northwest, southwesterly along the extension of Ellis Lane North-  
614 west to Ellis Boulevard Northwest, southeasterly and south along  
615 Ellis Boulevard Northwest to "O" Avenue Northwest, west along  
616 "O" Avenue Northwest to Eleventh Street Northwest, south along  
617 Eleventh Street Northwest to "I" Avenue Northwest, east along  
618 "I" Avenue Northwest to Tenth Street Northwest, south along  
619 Tenth Street Northwest to "E" Avenue Northwest, west along "E"  
620 Avenue Northwest to Twenty-third Street Northwest, south along  
621 Twenty-third Street Northwest to "D" Avenue Northwest, south-  
622 westerly along "D" Avenue Northwest to Twenty-fourth Street  
623 Northwest, south along Twenty-fourth Street Northwest to John-  
624 son Avenue Northwest, west along Johnson Avenue Northwest to  
625 Thirty-second Street Northwest, south along Thirty-second Street  
626 Northwest to Sue Lane Northwest, west along Sue Lane North-

627 west to Edgewood Road Northwest, south along Edgewood Road  
628 Northwest and Edgewood Road Southwest to Williams Boule-  
629 vard Southwest, southwest along Williams Boulevard Southwest  
630 to Wilson Avenue Southwest, west along Wilson Avenue South-  
631 west to the western corporate limits of the city of Cedar Rapids,  
632 and south along the corporate limits of the city of Cedar Rap-  
633 ids to its intersection with the Clinton-Fairfax township bound-  
634 ary, the place of beginning.

635 50. The fiftieth representative district shall consist of the follow-  
636 ing portions of Linn county:

637 a. Spring Grove, Jackson, Boulder, Maine, Buffalo, Brown and  
638 Linn townships.

639 b. A part of the unincorporated territory of Marion township  
640 and the city of Marion partially bounded on the west by the Forty-  
641 ninth representative district, as described in subsection forty-nine  
642 (49) of this section, and having as the remainder of its boundary  
643 a line described as follows:

644 Beginning at the intersection of the common corporate limits of  
645 the cities of Cedar Rapids and Marion with Lindale Drive, which  
646 is a point on the boundary of representative district forty-nine,  
647 eastward along the common corporate limit of the two cities and  
648 continuing to follow the corporate limit of the city of Marion to  
649 the point where it meets state highways 13 and 150, south along  
650 state highways 13 and 150 to the boundary between Bertram and  
651 Marion townships, and east, north, and west along the southern,  
652 eastern, and northern boundaries of Marion township to the point  
653 where the boundaries of Marion, Monroe and Otter Creek townships  
654 meet, which is also a point on the boundary of representative dis-  
655 trict forty-nine.

656 51. The fifty-first representative district shall consist of:

657 a. Bertram township.

658 b. A part of the unincorporated territory of Marion township  
659 and of the city of Cedar Rapids bounded on the east and north by  
660 representative district fifty, as described in subsection fifty (50)  
661 of this section, and having as the remainder of its boundary a line  
662 described as follows:

663 Beginning at the point at or near the intersection of Carroll  
664 Drive Southeast and Tama Street Southeast at which the corpo-  
665 rate limits of the cities of Cedar Rapids and Marion diverge, gen-  
666 erally south along the corporate limits of the city of Cedar Rapids  
667 and Thirty-fourth Street Southeast to its intersection with the  
668 right-of-way of the Cedar Rapids and Iowa City railroad, west  
669 along the right-of-way of the Cedar Rapids and Iowa City railroad  
670 to Indian Road Southeast, and continuing west along Indian Road  
671 Southeast to its intersection with the extension of the eastern  
672 boundary of Bever Park, south along the extension of the eastern  
673 boundary and the eastern boundary of Bever Park to Bever Ave-  
674 nue Southeast, west along Bever Avenue Southeast to Park Ter-  
675 race Southeast, northwesterly along Park Terrace Southeast to  
676 Grande Avenue Southeast, westerly along Grande Avenue South-  
677 east to Forest Drive Southeast, northerly along Forest Drive  
678 Southeast to Cottage Grove Avenue Southeast, west and northwest  
679 along Cottage Grove Avenue Southeast and Twenty-first Street

680 Northeast to "D" Avenue Northeast, southwest along "D" Avenue  
 681 Northeast to Twentieth Street Northeast, northwest along Twen-  
 682 tieth Street Northeast to the Chicago, Milwaukee, St. Paul, and  
 683 Pacific railroad tracks, southwest along the Chicago, Milwaukee,  
 684 St. Paul, and Pacific railroad tracks to Sixteenth Street Northeast,  
 685 southeast along Sixteenth Street Northeast to "C" Avenue North-  
 686 east, southwest along "C" Avenue Northeast to Thirteenth Street  
 687 Northeast, northwest along Thirteenth Street Northeast to Coe  
 688 road, southerly along Coe road to Tenth Street Northeast, south-  
 689 east along Tenth Street Northeast to Second Avenue Southeast,  
 690 southwest along Second Avenue Southeast to Sixth Street North-  
 691 east, northwest along Sixth Street Northeast to "B" Avenue North-  
 692 east, southwest along "B" Avenue Northeast to Second Street  
 693 Northeast, southeast along Second Street Northeast to Fourth Ave-  
 694 nue Southeast, southwest along Fourth Avenue Southeast to the  
 695 Cedar river, southeast along the Cedar river to the extension of  
 696 Tenth Avenue Southeast, northeast along the extension of Tenth  
 697 Avenue Southeast and Tenth Avenue Southeast to Fifth Street  
 698 Southeast, northwest along Fifth Street Southeast to Fifth Avenue  
 699 Southeast, northeast along Fifth Avenue Southeast to Tenth Street  
 700 Southeast, southeast along Tenth Street Southeast to Mount Ver-  
 701 non Road Southeast, southeasterly and east along Mount Vernon  
 702 Road Southeast to Nineteenth Street Southeast, south along Nine-  
 703 teenth Street Southeast to Twelfth Avenue Southeast, east along  
 704 Twelfth Avenue Southeast to its intersection with the boundary,  
 705 or the northward extension of the boundary, between Saint Johns  
 706 cemetery and Van Vechten park, south and west along the bound-  
 707 ary of and the southward extension of the western boundary of  
 708 Van Vechten park to the Cedar river, generally southerly and east-  
 709 erly along the Cedar river to the eastern corporate limits of the  
 710 city of Cedar Rapids, generally northward along the eastern cor-  
 711 porate limits of the city of Cedar Rapids to its intersection with  
 712 the boundary between Bertram and Marion townships, and east  
 713 along the Bertram-Marion township boundary to its intersection  
 714 with state highways 13 and 150, which is also a point on the bound-  
 715 ary of representative district fifty.

716 52. The fifty-second representative district shall consist of a part  
 717 of the city of Cedar Rapids bounded on the north, east, and south,  
 718 and partially bounded on the west by representative districts forty-  
 719 nine, fifty, and fifty-one, as described in subsections forty-nine (49),  
 720 fifty (50), and fifty-one (51), respectively, of this section, and hav-  
 721 ing as the remainder of its western boundary a line described as  
 722 follows:

723 Beginning at the intersection of the northeasterly extension of  
 724 Ellis Lane Northwest and the Cedar river, which is a point on the  
 725 boundary of representative district forty-nine, generally southeast-  
 726 erly along the main channel of the Cedar river, passing to the  
 727 east of Municipal Island, to the intersection of the Cedar river  
 728 with the southwesterly extension of Fourth Avenue Southeast,  
 729 which is a point on the boundary of representative district fifty-one.

730 53. The fifty-third representative district shall consist of:

731 a. In Johnson county:

732 (1) Cedar, Big Grove, Jefferson, Monroe, Oxford, Madison and

- 733 Graham townships, and that portion of Clear Creek township lying  
 734 outside the corporate limits of the city of Coralville.
- 735 (2) The town of North Liberty.
- 736 b. In Linn county:
- 737 (1) Fayette, Fairfax, College, Putnam and Franklin townships  
 738 and all of Clinton township except the part bounded on the west  
 739 by county road 14, and on the east and north by the corporate lim-  
 740 its of the city of Cedar Rapids.
- 741 (2) A part of the city of Cedar Rapids lying south of a line  
 742 described as follows:
- 743 Beginning at the intersection of the western corporate limits of  
 744 the city of Cedar Rapids and Wilson Avenue Southwest, east along  
 745 Wilson Avenue Southwest to Williams Boulevard Southwest, north-  
 746 east along Williams Boulevard Southwest to the continuation of  
 747 Wilson Avenue Southwest, southeast and east along Wilson Ave-  
 748 nue Southwest to "C" Street Southwest, southeast along "C" Street  
 749 Southwest to Summit Avenue Southwest, east along Summit Ave-  
 750 nue Southwest and its eastward extension to the Cedar river, and  
 751 southerly and easterly along the Cedar river to its intersection  
 752 with the eastern corporate limits of the city of Cedar Rapids.
- 753 54. The fifty-fourth representative district shall consist of a  
 754 part of the city of Cedar Rapids bounded on the west and north by  
 755 representative district forty-nine, as described in subsection forty-  
 756 nine (49) of this section, on the northeast and east by representa-  
 757 tive districts fifty-two and fifty-one, as described in subsections  
 758 fifty-two (52) and fifty-one (51), respectively, of this section, and  
 759 on the south by representative district fifty-three, as described in  
 760 subsection fifty-three (53) of this section.
- 761 55. The fifty-fifth representative district shall consist of:
- 762 a. All of Cedar county except Massillon and Springdale town-  
 763 ships.
- 764 b. In Jones county:
- 765 (1) Lovell, Castle Grove, Cass, Fairview and Greenfield town-  
 766 ships.
- 767 (2) The city of Monticello.
- 768 c. In Scott county, Liberty and Cleona townships, that por-  
 769 tion of the town of Dixon lying in Allen's Grove township, and  
 770 that portion of the town of Plainview lying in Hickory Grove town-  
 771 ship.
- 772 56. The fifty-sixth representative district shall consist of:
- 773 a. In Cedar county, Massillon township.
- 774 b. All of Jackson county except Prairie Springs and Tete Des  
 775 Morts townships.
- 776 c. All of Jones county except Lovell, Castle Grove, Cass, Fair-  
 777 view and Greenfield townships and the city of Monticello.
- 778 57. The fifty-seventh representative district shall consist of all  
 779 of Clinton county except that portion of the city of Clinton which  
 780 constitutes representative district fifty-eight, as described in subsec-  
 781 tion fifty-eight (58) of this section.
- 782 58. The fifty-eighth representative district shall consist of all  
 783 of the city of Clinton except that portion lying generally south and  
 784 west of a line drawn through the city as follows:
- 785 Beginning at the point on the boundary between section thir-

786 teen and section twenty-four, township eighty-one north, range  
787 six east, where the corporate limits of the city of Clinton intersect  
788 Beaver channel, northeasterly along Beaver channel to the point  
789 where Beaver channel would intersect an extension of Eighteenth  
790 place, northerly along the extension of Eighteenth place and Eigh-  
791 teenth place to the point where Eighteenth place intersects the  
792 Chicago and Northwestern railroad tracks, northeasterly along  
793 those railroad tracks to the point where they would intersect an  
794 extension of South Vosburg street, northwesterly and west along  
795 the extension of South Vosburg street and South Vosburg street to  
796 South Eighth street, north along South Eighth street to Thirteenth  
797 Avenue South, east along Thirteenth Avenue South to South Sev-  
798 enth street, north along South Seventh street to Eleventh Avenue  
799 South, west along Eleventh Avenue South to South Eighth street,  
800 north along South Eighth street to Tenth Avenue South, west along  
801 Tenth Avenue South to South Ninth street, south along South Ninth  
802 street to Eleventh Avenue South, west along Eleventh Avenue South  
803 to South Fourteenth street, south along South Fourteenth street to  
804 Twelfth Avenue South, west along Twelfth Avenue South to South  
805 Bluff boulevard, westerly along South Bluff boulevard and Hart's  
806 Mill road to the meeting point of the corners of sections ten, eleven,  
807 fourteen and fifteen, township eighty-one north, range six east,  
808 north along the boundary between section ten and section eleven  
809 to its intersection with Eighth Avenue South, and west along Eighth  
810 Avenue South and the extension of Eighth Avenue South to the  
811 west corporate limits of the city of Clinton.

812 59. The fifty-ninth representative district shall consist of the  
813 following portion of Polk county:

814 a. Crocker, Madison and Jefferson townships, all of Webster  
815 township outside the cities of Des Moines and Urbandale except  
816 that portion assigned to representative district sixty by subsection  
817 sixty (60) of this section, and that portion of Douglas township  
818 lying within the city of Ankeny.

819 b. All of the city of Urbandale except that portion assigned to  
820 representative district sixty by subsection sixty (60) of this sec-  
821 tion.

822 60. The sixtieth representative district shall consist of parts of  
823 the cities of Des Moines and Urbandale, and Webster township out-  
824 side the cities of Des Moines and Urbandale, bounded by a line  
825 drawn as follows:

826 Beginning at the intersection of Sheridan avenue and North  
827 Union street in the city of Des Moines, west along Sheridan ave-  
828 nue to Sixth avenue, north along Sixth avenue to Douglas avenue,  
829 west along Douglas avenue to Eighth street, south along Eighth  
830 street to Euclid avenue, west along Euclid avenue to the Des  
831 Moines river, northerly along the Des Moines river, crossing the  
832 north corporate limits of the city of Des Moines and continuing  
833 northerly and northwesterly along the Des Moines river to inter-  
834 state highway 35 and 80, west along interstate highway 35 and 80  
835 to the point where it meets the corporate limits of the city of Urban-  
836 dale, south along the east corporate limit of the city of Urbandale  
837 (which is Merle Hay road) to the point where it joins the corpo-  
838 rate limits of the city of Des Moines, continuing south and west

839 along the common corporate limit of the cities of Des Moines and  
840 Urbandale to the intersection of Douglas avenue and Sixty-third  
841 street, west along Douglas avenue to Seventy-second street, south  
842 along Seventy-second street to its intersection with a line ex-  
843 tended directly westward from the intersection of Urbandale ave-  
844 nue and Sixty-seventh street (which line is a part of the boundary  
845 between Webster and Walnut townships), east along this line  
846 and along Urbandale avenue east of Sixty-seventh street to the  
847 west corporate limits of the city of Des Moines, southward along  
848 the west corporate limits of the city of Des Moines to Hickman  
849 road, east along Hickman road to Fiftieth street, north along Fif-  
850 tieth street to Urbandale avenue, east along Urbandale avenue to  
851 Forty-eighth street, south along Forty-eighth street to New York  
852 avenue, east along New York avenue to Forty-sixth street, south  
853 along Forty-sixth street to the eastward continuation of New York  
854 avenue, east along New York avenue to Forty-second street, south  
855 along Forty-second street to Sheridan avenue, east along Sheridan  
856 avenue to Beaver avenue, south along Beaver avenue to Hickman  
857 road, east along Hickman road to Sixth avenue, north along Sixth  
858 avenue to the Des Moines river, southeasterly along the Des Moines  
859 river to its intersection with the westward extension of Jefferson  
860 avenue, east along the extension of Jefferson avenue to the exten-  
861 sion of North Union street, and north along the extension of North  
862 Union street and North Union street to its intersection with East  
863 Sheridan avenue, the place of beginning.

864 61. The sixty-first representative district shall consist of the fol-  
865 lowing portions of Polk county:

866 a. All of the unincorporated territory of Walnut township.

867 b. That part of Bloomfield township lying west of the west cor-  
868 porate limits of the city of Des Moines.

869 c. The cities of Clive, West Des Moines, and Windsor Heights.

870 d. Two separate portions of the city of Des Moines bounded by  
871 lines respectively drawn as follows:

872 (1) Beginning at the intersection of the west corporate limits  
873 of the city of Des Moines and McKinley avenue, eastward along  
874 McKinley avenue and the extension of McKinley avenue to South-  
875 west Twenty-sixth street, north along Southwest Twenty-sixth  
876 street to its intersection with Watrous avenue, west along the  
877 extension of Watrous avenue and Watrous avenue (which is the  
878 boundary between Bloomfield and Des Moines townships) to the  
879 west corporate limits of the city of Des Moines, and southerly along  
880 the west corporate limits of the city of Des Moines to its intersec-  
881 tion with McKinley avenue, the place of beginning.

882 (2) Beginning at the intersection of the west corporate limits  
883 of the city of Des Moines and the Polk-Warren county line, east  
884 along the Polk-Warren county line (which is the south corporate  
885 limit of the city of Des Moines) to its intersection with Southwest  
886 Ninth street, north along Southwest Ninth street to Luster lane,  
887 west along Luster lane to Home street, southwesterly along Home  
888 street to Meadow lane, west along Meadow lane to Royal drive,  
889 north along Royal drive to Luster lane, west along Luster lane to  
890 Southview drive, south along Southview drive to Havens avenue,  
891 west and northerly along Havens avenue and Southwest Seventeenth



892 street to Amos avenue, east along Amos avenue to Southwest Six-  
 893 teenth street, north along Southwest Sixteenth street to Burnham  
 894 street, east along Burnham street to Southwest Fourteenth street,  
 895 north along Southwest Fourteenth street to Army Post road, west  
 896 along Army Post road to the west corporate limits of the city of  
 897 Des Moines, and southerly and easterly along the west corporate  
 898 limits of the city of Des Moines to its intersection with the Polk-  
 899 Warren county line, the point of beginning.

900 62. The sixty-second representative district shall consist of a por-  
 901 tion of the city of Des Moines enclosed by a line drawn as follows:

902 Beginning at the intersection of Watrous avenue and Southwest  
 903 Twelfth street, north along Southwest Twelfth street to Park ave-  
 904 nue, west along Park avenue to Southwest Fourteenth street, north  
 905 along Southwest Fourteenth street to Pleasant View drive, east along  
 906 Pleasant View drive to Southwest Ninth street, north and north-  
 907 erly along Southwest Ninth street to the Raccoon river, westerly  
 908 and northerly along the Raccoon river to Fleur drive, northeasterly  
 909 along Fleur drive to the Wabash railroad tracks, southeasterly  
 910 along the Wabash railroad tracks to Mulberry street, northeasterly  
 911 along Mulberry street to Thirteenth street, southerly along Thir-  
 912 teenth street to Cherry street, northeasterly along Cherry street to  
 913 Ninth street, northerly along Ninth street to Walnut street, north-  
 914 easterly along Walnut street to Seventh street, northerly along  
 915 Seventh street to Keosauqua way, northwesterly along Keosauqua  
 916 way to Center street, west along Center street to Eighteenth street,  
 917 north along Eighteenth street to School street, west along School  
 918 street to Harding road, north along Harding road to MacVicar  
 919 freeway, westerly along MacVicar freeway to Forty-second street,  
 920 north along Forty-second street to University avenue, west along  
 921 University avenue to the western corporate limits of the city of  
 922 Des Moines, south and east along the western and southern corpo-  
 923 rate limits of the city of Des Moines to the Chicago Great Western  
 924 railway tracks, continuing eastward along the line of Watrous  
 925 avenue and Watrous avenue extended (which is the boundary be-  
 926 tween Bloomfield and Des Moines townships) to the intersection of  
 927 Watrous avenue and Southwest Twelfth street, the place of begin-  
 928 ning.

929 63. The sixty-third representative district shall consist of a por-  
 930 tion of the city of Des Moines bounded on the north by representa-  
 931 tive district sixty, as described in subsection sixty (60) of this sec-  
 932 tion, on the west by representative district sixty-one, as described  
 933 in subsection sixty-one (61) of this section, on the south by repre-  
 934 sentative district sixty-two, as described in subsection sixty-two  
 935 (62) of this section, and on the east by a line drawn as follows:

936 Beginning at the intersection of MacVicar freeway and Harding  
 937 road, which is a point on the boundary of representative district  
 938 sixty-two, north along Harding road to Kingman boulevard, west  
 939 along Kingman boulevard to Twenty-first street, north along Twen-  
 940 ty-first street to University avenue, east along University avenue  
 941 to Harding road, and north and northwesterly along Harding road  
 942 to the intersection of Harding road and Hickman road, which  
 943 is a point on the boundary of representative district sixty.

944 64. The sixty-fourth representative district shall consist of a

945 portion of the city of Des Moines bounded on the west by repre-  
 946 sentative districts sixty, sixty-three, and sixty-two, as described in  
 947 subsections sixty (60), sixty-three (63), and sixty-two (62), respec-  
 948 tively, of this section, and on the south, east, and north by a line  
 949 drawn as follows:

950 Beginning at the intersection of Ninth street and Cherry street,  
 951 which is a point on the boundary of representative district sixty-  
 952 two, northeasterly along Cherry street to Fifth street, southerly  
 953 along Fifth street to the Wabash railroad tracks, northeasterly  
 954 along the Wabash railroad tracks to the Des Moines river, north-  
 955 erly along the Des Moines river to East University avenue, east  
 956 along East University avenue to East Fourteenth street, north  
 957 along East Fourteenth street to East Euclid avenue, west along  
 958 East Euclid avenue to North Union street, north along North  
 959 Union street to Madison avenue, west along Madison avenue to  
 960 First street, south along First street to Douglas avenue, west along  
 961 Douglas avenue to Second avenue, south along Second avenue to  
 962 Euclid avenue, and west along Euclid avenue to its intersection  
 963 with Sixth avenue, which is a point on the boundary of representa-  
 964 tive district sixty.

965 65. The sixty-fifth representative district shall consist of the  
 966 following portions of Polk county:

967 a. Allen township and that portion of Bloomfield township lying  
 968 east of the east corporate limits of the city of Des Moines.

969 b. A portion of the city of Des Moines bounded on the west by  
 970 representative districts sixty-two and sixty-one, as described in  
 971 subsections sixty-two (62) and sixty-one (61), respectively, of this  
 972 section, on the south and east by the portion of the southern and  
 973 eastern corporate limits of the city of Des Moines running from the  
 974 intersection of the Polk-Warren county line (which is the south  
 975 corporate limit of the city of Des Moines at that point) and South-  
 976 west Ninth street, which is a point on the boundary of representa-  
 977 tive district sixty-one, eastward and northward to the intersection  
 978 of the corporate limits with the Des Moines river, westerly and  
 979 northwesterly along the Des Moines river to Southwest\* Fourteenth  
 980 street, south along Southwest\* Fourteenth street to King avenue,  
 981 west along King avenue to Southeast Eighth court, south along  
 982 Southeast Eighth court to East Broad street, northwesterly along  
 983 East Broad street to Southeast Fifth street, south along Southeast  
 984 Fifth street to the continuation of East Broad street, west along  
 985 East Broad street to South Union street, south along South Union  
 986 street to Virginia avenue, west along Virginia avenue to Southwest  
 987 Fifth street, north along Southwest Fifth street to Broad street,  
 988 and west along Broad street to its intersection with Southwest  
 989 Ninth street, which is a point on the boundary of representative  
 990 district sixty-two.

991 66. The sixty-sixth representative district shall consist of the  
 992 following portion of Polk county:

993 a. Camp township and Four Mile township including the town  
 994 of Pleasant Hill.

995 b. A part of the city of Des Moines bounded on the west by rep-  
 996 resentative district sixty-two, as described in subsection sixty-two

\*According to enrolled Act.

997 (62) of this section, on the south by representative district sixty-  
 998 five, as described in subsection sixty-five (65) of this section, on  
 999 the east by the common corporate limits of the city of Des Moines  
 1000 and the town of Pleasant Hill, partially bounded on the north by  
 1001 representative district sixty-four, as described in subsection sixty-  
 1002 four (64) of this section, and having as the remainder of its north-  
 1003 ern boundary a line drawn as follows:

1004 Beginning at the intersection of the east corporate limits of the  
 1005 city of Des Moines and East University avenue, west along East  
 1006 University avenue to Williams street, north along Williams street  
 1007 to Dubuque avenue, west along Dubuque avenue to East Thirty-  
 1008 third street, north along East Thirty-third street to East Wash-  
 1009 ington avenue, west along East Washington avenue to East Thir-  
 1010 tieth street, south along East Thirtieth street to East University  
 1011 avenue, west along East University avenue to MacVicar freeway,  
 1012 southwesterly along MacVicar freeway to Walker street, westerly  
 1013 along Walker street to East Fourteenth street, and north along  
 1014 East Fourteenth street to its intersection with East University  
 1015 avenue, which is a point on the boundary of representative district  
 1016 sixty-four.

1017 67. The sixty-seventh representative district shall consist of the  
 1018 following portions of Polk county:

1019 a. That part of Saylor township lying outside the city of Des  
 1020 Moines.

1021 b. A part of the city of Des Moines bounded on the west and  
 1022 south by representative districts sixty, sixty-four, and sixty-six,  
 1023 as described in subsections sixty (60), sixty-four (64), and sixty-  
 1024 six (66), respectively, of this section, and having as its eastern  
 1025 and northern boundaries a line drawn as follows:

1026 Beginning at the intersection of East University avenue and the  
 1027 east corporate limits of the city of Des Moines, which is a point  
 1028 on the boundary of representative district sixty-six, north along  
 1029 the east corporate limits of the city of Des Moines to Northeast  
 1030 Twenty-third avenue, west and southwesterly along Northeast  
 1031 Twenty-third avenue and Easton boulevard to East Twenty-ninth  
 1032 street, north along East Twenty-ninth street to Arthur avenue,  
 1033 west along Arthur avenue to Frederick M. Hubbell avenue, south-  
 1034 westerly along Frederick M. Hubbell avenue to Farwell road,  
 1035 northwesterly along Farwell road to Arthur avenue, west along  
 1036 Arthur avenue to Lay street, north along Lay street to East Sheri-  
 1037 dan avenue, west along East Sheridan avenue to East Twenty-  
 1038 third street, south along East Twenty-third street to Guthrie ave-  
 1039 nue, west along Guthrie avenue to MacVicar freeway, north along  
 1040 MacVicar freeway to the north corporate limit of the city of Des  
 1041 Moines, and west along the north corporate limit to its intersec-  
 1042 tion with the Des Moines river, which is a point on the boundary of  
 1043 representative district sixty.

1044 68. The sixty-eighth representative district shall consist of the  
 1045 following portions of Polk county:

1046 a. Union, Lincoln, Elkhart, Washington, Franklin, Beaver, Clay  
 1047 and Delaware townships and that portion of Douglas township lying  
 1048 outside the corporate limits of the city of Ankeny.

1049 b. A part of the city of Des Moines bounded on the west and

- 1050 south by representative district sixty-seven, as described in subsec-  
 1051 tion sixty-seven (67) of this section, and having as its northern  
 1052 and eastern boundaries that portion of the corporate limits of the  
 1053 city of Des Moines running from the intersection of MacVicar free-  
 1054 way and the north corporate limits of the city of Des Moines, which  
 1055 is a point on the boundary of representative district sixty-seven,  
 1056 eastward and southward to the intersection of the corporate limits  
 1057 of the city of Des Moines and Northeast Twenty-third avenue,  
 1058 which is also a point on the boundary of representative district  
 1059 sixty-seven.
- 1060 69. The sixty-ninth representative district shall consist of:  
 1061 a. In Marion county, Pleasant Grove township.  
 1062 b. All of Warren county except Liberty and White Breast town-  
 1063 ships.
- 1064 70. The seventieth representative district shall consist of:  
 1065 a. In Mahaska county, Richland, Black Oak, Scott, Jefferson  
 1066 and West Des Moines townships.  
 1067 b. All of Marion county except Pleasant Grove township.  
 1068 c. In Warren county, Liberty and White Breast townships.
- 1069 71. The seventy-first representative district shall consist of:  
 1070 a. In Iowa county, that portion of the town of North English  
 1071 lying in English township.  
 1072 b. In Keokuk county, Prairie, Adams, English River, Liberty,  
 1073 Lafayette, Clear Creek, Plank, Van Buren, Washington and War-  
 1074 ren townships.  
 1075 c. All of Mahaska county except Richland, Black Oak, Scott,  
 1076 Jefferson and West Des Moines townships.
- 1077 72. The seventy-second representative district shall consist of:  
 1078 a. In Benton county, St. Clair and Florence townships and that  
 1079 portion of Leroy township outside the corporate limits of the  
 1080 town of Luzerne.  
 1081 b. In Cedar county, Springdale township.  
 1082 c. All of Iowa county except that portion of the town of North  
 1083 English lying in English township.  
 1084 d. In Johnson county, Hardin, Union, Washington, Sharon, Lib-  
 1085 erty, Pleasant Valley, Scott, Lincoln and Fremont townships.  
 1086 e. In Washington county, Iowa township.
- 1087 73. The seventy-third representative district shall consist of the  
 1088 following portions of Johnson county:  
 1089 a. Newport township, that portion of Penn township lying out-  
 1090 side the corporate limits of the town of North Liberty, and that  
 1091 portion of East Lucas township lying north of the corporate limits  
 1092 of the city of Iowa City.  
 1093 b. The city of Coralville.  
 1094 c. A part of the city of Iowa City bounded by a line drawn as  
 1095 follows:  
 1096 Beginning at the intersection of the northern corporate limits of  
 1097 the city of Iowa City and the northward extension of Van Buren  
 1098 street, south along the northward extension of Van Buren street to  
 1099 its intersection with the northern 1960 corporate limits of the city  
 1100 of Iowa City, east along the northern 1960 corporate limits of the  
 1101 city of Iowa City (which is the boundary between census enu-  
 1102 meration districts 22 and 23 established by the United States bu-

1103 reau of the census for the 1970 decennial census) to Dubuque road,  
 1104 northeasterly and easterly along Dubuque road to its intersection  
 1105 with the northward extension of Seventh street, south along the  
 1106 northward extension of Seventh street to its intersection with Ral-  
 1107 ston creek, southwesterly along Ralston creek to Bloomington street,  
 1108 west along Bloomington street to North Governor street, south along  
 1109 North Governor street to Jefferson street, west along Jefferson street  
 1110 to North Lucas street, south along North Lucas street to Washing-  
 1111 ton street, east along Washington street to Summit street, south  
 1112 along Summit street to Court street, west along Court street to South  
 1113 Lucas street, south along South Lucas street to Page street, west  
 1114 along Page street to Maiden lane, north along Maiden lane to Lafay-  
 1115 ette street, west and northwesterly along Lafayette street to the Iowa  
 1116 river, south along the Iowa river to Benton street, southwesterly  
 1117 and west along Benton street to Miller avenue, south along Miller  
 1118 avenue to state highway 1, west along state highway 1 to its inter-  
 1119 section with the 1960 corporate limits of the city of Iowa City,  
 1120 north and west along the 1960 corporate limits of the city of Iowa  
 1121 City (which is the boundary between census enumeration districts  
 1122 35 and 37 established by the United States bureau of the census  
 1123 for the 1970 federal decennial census) to its intersection with Sun-  
 1124 set street, north along Sunset street to its intersection with the cor-  
 1125 porate limits of the town of University Heights, generally north  
 1126 and east and then northwesterly along the eastern corporate limits  
 1127 of the town of University Heights to its intersection with Melrose  
 1128 avenue, east along Melrose avenue to Woolf avenue, north and  
 1129 northerly along Woolf avenue to Newton road, easterly along New-  
 1130 ton road to Riverside drive, north along Riverside drive to a street  
 1131 running northwesterly from Riverside drive and approximately  
 1132 parallel to and north of River street, northwesterly along that  
 1133 street to Ridgeland avenue, north along Ridgeland avenue to Mc-  
 1134 Lean street, west along McLean street to Beldon avenue, north  
 1135 along Beldon avenue to the westward continuation of McLean street,  
 1136 west along McLean street to Magowan avenue, north along Magow-  
 1137 an avenue to Park road, west along Park road to Rocky Shore  
 1138 drive, southwesterly along Rocky Shore drive to U.S. highway 6,  
 1139 west along U.S. highway 6 to the western corporate limits of the  
 1140 city of Iowa City, and northerly and easterly along the corporate  
 1141 limits of the city of Iowa City to its intersection with the north-  
 1142 ward extension of Van Buren street, the place of beginning.

1143 74. The seventy-fourth representative district shall consist of  
 1144 the following portions of Johnson county:

1145 a. That part of West Lucas township lying outside the corporate  
 1146 limits of the city of Iowa City and that part of East Lucas town-  
 1147 ship lying south of the corporate limits of the city of Iowa City.

1148 b. The town of University Heights.

1149 c. All of the city of Iowa City except that part assigned to rep-  
 1150 resentative district seventy-three by subsection seventy-three (73)  
 1151 of this section.

1152 75. The seventy-fifth representative district shall consist of the  
 1153 following portions of Muscatine county:

1154 a. Wilton, Fulton, Montpelier and Sweetland townships.

1155 b. All of the city of Muscatine.

1156 76. The seventy-sixth representative district shall consist of  
1157 the following portions of Scott county:

1158 a. Blue Grass and Buffalo townships.

1159 b. A part of the city of Davenport bounded by a line drawn as  
1160 follows:

1161 Beginning at the intersection of the main channel of the Missis-  
1162 sippi river (which is the southern corporate limit of the city of  
1163 Davenport) and Crescent bridge, northwesterly to the northern  
1164 end of Crescent bridge and continuing along the railroad track  
1165 which turns from that point to the west and southwest (which  
1166 railroad track is a part of the boundary between census tracts  
1167 109 and 110 as established by the United States census bu-  
1168 reau for the 1970 federal decennial census) to West River street  
1169 (also known as Fishertown road), northeasterly along West River  
1170 street to South Division street, northwesterly and north along South  
1171 Division street and North Division street to West Second street,  
1172 west along West Second street to Elmwood avenue, northwesterly  
1173 along Elmwood avenue to Telegraph road, northeasterly along Tele-  
1174 graph road and West Ninth street to North Division street, north  
1175 along North Division street to West Locust street, west along West  
1176 Locust street to North Clark street, north along North Clark street  
1177 to West Central Park avenue, east along West Central Park avenue  
1178 to Hickory Grove road, northwest along Hickory Grove road to  
1179 Fairmount street, north along Fairmount street to Kimberly road,  
1180 southeasterly and east along Kimberly road to North Pine street,  
1181 north along North Pine street and continuing northwesterly along  
1182 Northwest boulevard to the boundary between Davenport City  
1183 township and Sheridan township, west along the Davenport City-  
1184 Sheridan township boundary to its intersection with the boundary  
1185 between Hickory Grove and Sheridan townships, north along the  
1186 Hickory Grove-Sheridan township boundary to its intersection with  
1187 the north corporate limits of the city of Davenport, and west,  
1188 south, and east along the northern, western, and southern corpo-  
1189 rate limits of the city of Davenport to the intersection of the main  
1190 channel of the Mississippi river (which is the southern corporate  
1191 limit of the city of Davenport) with Crescent bridge, the place of  
1192 beginning.

1193 77. The seventy-seventh representative district shall consist of  
1194 a portion of the city of Davenport partially bounded on the west  
1195 by representative district seventy-six, as described in subsection  
1196 seventy-six (76) of this section, and having as its southern, east-  
1197 ern, northern, and the remainder of its western boundaries a line  
1198 drawn as follows:

1199 Beginning at the intersection of the main channel of the Missis-  
1200 sippi river and Crescent bridge, which is a point on the boundary  
1201 of representative district seventy-six, northeasterly along the main  
1202 channel of the Mississippi river (which is the southern corporate  
1203 limit of the city of Davenport) to its intersection with the Govern-  
1204 ment bridge, north to the end of the Government bridge and con-  
1205 tinuing along the Chicago, Rock Island and Pacific railroad tracks  
1206 which run northwesterly and west from the Government bridge to  
1207 Warren street, north along Warren street to West Fourteenth  
1208 street, east along West Fourteenth street to Harrison street, south

1209 along Harrison street to the continuation of West Fourteenth  
 1210 street, east along West Fourteenth street to Main street, south along  
 1211 Main street to East Twelfth street, east along East Twelfth street  
 1212 to Iowa street, north along Iowa street to East Locust street, west  
 1213 along East Locust street to Pershing avenue, north along Pershing  
 1214 avenue to East Central Park avenue, east along East Central Park  
 1215 avenue to its intersection with the Chicago, Milwaukee, St. Paul  
 1216 and Pacific railroad tracks, northerly along that railroad track to  
 1217 its intersection with Duck creek, westerly along Duck creek to Har-  
 1218 rison street, northerly along Harrison street to Kimberly road, west  
 1219 along Kimberly road to Marquette street, south along Marquette  
 1220 street to Garfield street, west along Garfield street to North Divi-  
 1221 sion street, and south along North Division street to its intersec-  
 1222 tion with West Locust street, which is also a point on the bound-  
 1223 ary of representative district seventy-six.

1224 78. The seventy-eighth representative district shall consist of the  
 1225 following portions of Scott county:

1226 a. Lincoln, Sheridan and Winfield townships, all of Allens Grove  
 1227 township outside the town of Dixon, and all of Hickory Grove  
 1228 township outside the city of Davenport and the town of Plain  
 1229 View.

1230 b. A part of the city of Davenport bounded on the west and par-  
 1231 tially bounded on the south by representative districts seventy-six  
 1232 and seventy-seven, as described in subsections seventy-six (76)  
 1233 and seventy-seven (77), respectively, of this section, and having  
 1234 as the remainder of its southern boundary and as its eastern and  
 1235 northern boundaries a line drawn as follows:

1236 Beginning at the intersection of East Central Park avenue and  
 1237 the Chicago, Milwaukee, St. Paul and Pacific railroad track, which  
 1238 is a point on the boundary of representative district seventy-seven,  
 1239 southeasterly along that railroad track to East Locust street, east  
 1240 along East Locust street to Jersey Ridge road, north along Jersey  
 1241 Ridge road to Kimberly road, east and southeasterly along Kimberly  
 1242 road to the eastern corporate limits of the city of Davenport, and  
 1243 generally north and west along the eastern and northern corporate  
 1244 limits of the city of Davenport to its intersection with the boundary  
 1245 between Hickory Grove and Sheridan townships, which is a point  
 1246 on the boundary of representative district seventy-six.

1247 79. The seventy-ninth representative district shall consist of a  
 1248 portion of the city of Bettendorf and an adjoining portion of the  
 1249 city of Davenport bounded on the north and west by representative  
 1250 districts seventy-eight and seventy-seven, as described in subsec-  
 1251 tions seventy-eight (78) and seventy-seven (77), respectively, of  
 1252 this section, and having as its southern and eastern boundary a line  
 1253 drawn as follows:

1254 Beginning at the intersection of the main channel of the Missis-  
 1255 sippi river and the Government bridge, which is a point on the  
 1256 boundary of representative district seventy-seven, easterly along  
 1257 the main channel of the Mississippi river (which is the southern  
 1258 corporate limit of the city of Davenport and of the city of Betten-  
 1259 dorf), to its intersection with the Memorial bridge, north along the  
 1260 Memorial bridge and Fourteenth street to Kimberly road, and  
 1261 northwesterly and north along Kimberly road to the northern termi-

1262 nus of that portion of Kimberly road which is a part of the com-  
1263 mon corporate boundary between the cities of Bettendorf and Dav-  
1264 enport, which is a point on the boundary of representative district  
1265 seventy-eight.

1266 80. The eightieth representative district shall consist of the fol-  
1267 lowing portions of Scott county:

1268 a. Butler, Princeton and Le Claire townships, and all of Pleasant  
1269 Valley township outside the northern and eastern corporate limits  
1270 of the city of Bettendorf.

1271 b. All of the city of Bettendorf, except that portion included in  
1272 representative district seventy-nine as described in subsection sev-  
1273 enty-nine (79) of this section, and the towns of Panorama Park  
1274 and Riverdale.

1275 81. The eighty-first representative district shall consist of:

1276 a. In Crawford county, Soldier, Morgan, Otter Creek, Charter  
1277 Oak, Hanover, Willow, Paradise, Denison and Boyer townships, and  
1278 that portion of the city of Denison lying in East Boyer township.

1279 b. In Harrison county, Little Sioux, Jackson, Allen, Lincoln and  
1280 Harrison townships.

1281 c. All of Monona county.

1282 82. The eighty-second representative district shall consist of:

1283 a. All of Harrison county, except Little Sioux, Jackson, Allen,  
1284 Lincoln and Harrison townships.

1285 b. All of Shelby county.

1286 83. The eighty-third representative district shall consist of the  
1287 following portions of Pottawattamie county:

1288 a. The city of Carter Lake.

1289 b. A part of the city of Council Bluffs bounded by a line drawn  
1290 as follows:

1291 Beginning at the intersection of the Union Pacific railroad bridge  
1292 and the main channel of the Missouri river, east along the Union  
1293 Pacific railroad bridge and tracks to Thirty-fifth street, north along  
1294 Thirty-fifth street to Poplar street, east along Poplar street to  
1295 Thirty-second street, north along Thirty-second street to Ninth  
1296 avenue, west along Ninth avenue to Thirty-fourth street, north  
1297 along Thirty-fourth street to West Broadway, east along West  
1298 Broadway to Fifteenth street, north along Fifteenth street to  
1299 Avenue B, east along Avenue B to Eighth street, north along  
1300 Eighth street to Washington avenue, east along Washington ave-  
1301 nue to Harrison street, north along Harrison street to McGee ave-  
1302 nue, east along McGee avenue to Hillcrest avenue, southeast along  
1303 Hillcrest avenue to Hunter avenue, east along Hunter avenue to  
1304 U. S. highway 75, south along U. S. highway 75 to Oak street,  
1305 southeast along Oak street to Pierce street, easterly along Pierce  
1306 street to the boundary between Garner and Kane townships north  
1307 along that boundary to its intersection with the northern corpo-  
1308 rate limits of the city of Council Bluffs, west along the northern  
1309 corporate limits of the city of Council Bluffs to its intersection with  
1310 the main channel of the Missouri river, and southerly along the main  
1311 channel of the Missouri river (which is the western corporate lim-  
1312 its of the city of Council Bluffs) to its intersection with the Union  
1313 Pacific railroad bridge, the place of beginning.

1314 84. The eighty-fourth representative district shall consist of the



1315 following portions of Pottawattamie county:

1316 a. All of Lewis township outside the corporate limits of the city  
1317 of Council Bluffs.

1318 b. A part of the city of Council Bluffs bounded on the north by  
1319 representative district eighty-three, as described in subsection  
1320 eighty-three (83) of this section, and having as its eastern, south-  
1321 ern, and western boundaries a line drawn as follows:

1322 Beginning at the intersection of Washington avenue and First  
1323 street, which is a point on the boundary of representative district  
1324 eighty-three, southeast along First street to Madison avenue, south-  
1325 easterly along Madison avenue to Iowa avenue, northeast along  
1326 Iowa avenue to Hazel street, south along Hazel street to Lindbergh  
1327 drive, west along Lindbergh drive to Madison avenue, northwest  
1328 along Madison avenue to Linn avenue, west along Linn avenue to  
1329 Skyline drive, southerly, westerly, and northwest along Skyline  
1330 drive and its northwestward extension to the southwestward exten-  
1331 sion of Becky lane, northeast along the extension of Becky lane and  
1332 Becky lane to Lynnwood drive, northwest along Lynnwood drive to  
1333 Marion avenue, northwesterly along Marion avenue to Graham  
1334 avenue, west along Graham avenue to Tostevin street, south on  
1335 Tostevin street to state highway 375, southeast along state high-  
1336 way 375 to its intersection with the eastern corporate limits of the  
1337 city of Council Bluffs, south and west along the eastern and south-  
1338 ern corporate limits of the city of Council Bluffs to its intersection  
1339 with the main channel of the Missouri river, and westerly and  
1340 northerly along the main channel of the Missouri river (which is  
1341 the southern and western corporate limits of the city of Council  
1342 Bluffs) to its intersection with the Union Pacific railroad bridge,  
1343 which is also a point on the boundary of representative district  
1344 eighty-three.

1345 85. The eighty-fifth representative district shall consist of the fol-  
1346 lowing portion of Pottawattamie county:

1347 a. All of Pottawattamie county outside the city of Council Bluffs  
1348 except (1) Center, Wright, Macedonia, Grove and Waveland town-  
1349 ships, and (2) that portion of Lewis township outside the corpo-  
1350 rate limits of the city of Council Bluffs.

1351 b. A part of the city of Council Bluffs bounded on the west and  
1352 southwest by representative districts eighty-three and eighty-four  
1353 as described in subsections eighty-three (83) and eighty-four (84)  
1354 of this section, and having as its northern, eastern, and southeast-  
1355 ern boundary that portion of the corporate limits of the city of  
1356 Council Bluffs beginning at the intersection of the boundary be-  
1357 tween Garner and Payne townships and the northern corporate  
1358 limits of the city of Council Bluffs, which is a point on the bound-  
1359 ary of representative district eighty-three, and running east, south,  
1360 and southwest along the corporate limits of the city of Council  
1361 Bluffs, to its intersection with state highway 375, which is a point  
1362 on the boundary of representative district eighty-four.

1363 86. The eighty-sixth representative district shall consist of:

1364 a. In Cass county, Pleasant township.

1365 b. All of Mills county.

1366 c. All of Montgomery county.

- 1367 d. In Pottawattamie county, Center, Wright, Macedonia, Grove  
1368 and Waveland townships.
- 1369 87. The eighty-seventh representative district shall consist of:  
1370 a. All of Fremont county.  
1371 b. All of Page county.
- 1372 88. The eighty-eighth representative district shall consist of:  
1373 a. All of Adair county, except Adair and Summit townships.  
1374 b. All of Adams county.  
1375 c. In Guthrie county, Beaver, Jackson, Penn and Stuart town-  
1376 ships.  
1377 d. In Madison county, Penn and Jackson townships and that  
1378 portion of the town of Earlham in Madison township.  
1379 e. All of Taylor county.
- 1380 89. The eighty-ninth representative district shall consist of:  
1381 a. All of Dallas county, except Dallas, Lincoln, Linn and Union  
1382 townships.  
1383 b. In Madison county:  
1384 (1) Jefferson, Lee, Douglas, Union and Crawford townships and  
1385 that portion of Madison township lying outside the corporate lim-  
1386 its of the town of Earlham.  
1387 (2) The city of Winterset.  
1388 90. The ninetieth representative district shall consist of:  
1389 a. All of Clarke county, except Troy, Ward, Doyle and Knox  
1390 townships.  
1391 b. All of Lucas county.  
1392 c. In Madison county, Scott, South, Walnut and Ohio town-  
1393 ships.  
1394 d. All of Monroe county.
- 1395 91. The ninety-first representative district shall consist of:  
1396 a. In Clarke county, Troy, Ward, Doyle and Knox townships.  
1397 b. In Decatur county, Richland, Long Creek, Grand River, Deca-  
1398 tur, Bloomington, Burrell, Fayette, Lamoni and New Buda town-  
1399 ships.  
1400 c. In Madison county, Webster, Lincoln, Grand River and Mon-  
1401 roe townships.  
1402 d. All of Ringgold county.  
1403 e. All of Union county.
- 1404 92. The ninety-second representative district shall consist of:  
1405 a. All of Appanoose county.  
1406 b. In Decatur county, Franklin, Garden Grove, Center, Leon,  
1407 High Point, Eden, Woodland, Hamilton and Morgan townships.  
1408 c. All of Wayne county.
- 1409 93. The ninety-third representative district shall consist of:  
1410 a. All of Davis county.  
1411 b. In Keokuk county, Benton, Steady Run, Jackson, Richland,  
1412 East Lancaster, West Lancaster and Sigourney townships.  
1413 c. All of Wapello county, except that portion of the city of Ot-  
1414 tumwa constituting representative district ninety-four as described  
1415 in subsection ninety-four (94) of this section.  
1416 94. The ninety-fourth representative district shall consist of  
1417 that portion of the city of Ottumwa bounded by a line drawn as  
1418 follows:  
1419 Beginning at the intersection of Jefferson street and the north-  
1420 ern corporate limits of the city of Ottumwa, west along the west-

1421 ward extension of the portion of the northern corporate limits of  
 1422 the city of Ottumwa which is parallel to and north of Crestview  
 1423 avenue, to the intersection of that extended line with Green street,  
 1424 south along Green street to Elmdale avenue, west along Elmdale  
 1425 avenue to North Court street, south along North Court street to  
 1426 Park avenue, west along Park avenue to U. S. highway 63, north  
 1427 along U. S. highway 63 to Alta Vista avenue, west along Alta Vista  
 1428 avenue to its intersection with the corporate limits of the city of  
 1429 Ottumwa, and thereafter following the corporate limits of the city  
 1430 of Ottumwa in a clockwise manner to the intersection of the north-  
 1431 ern corporate limit of the city of Ottumwa with Jefferson street,  
 1432 the place of beginning.

1433 95. The ninety-fifth representative district shall consist of:

1434 a. In Louisa county, Columbus City, Union, Oakland and Con-  
 1435 cord townships.

1436 b. All of Muscatine county, except Wilton, Fulton, Montpelier,  
 1437 Sweetland, Seventy Six and Fruitland townships, and the city of  
 1438 Muscatine.

1439 c. All of Washington county except Iowa township.

1440 96. The ninety-sixth representative district shall consist of:

1441 a. In Des Moines county, Washington and Pleasant Grove town-  
 1442 ships.

1443 b. All of Henry county.

1444 c. All of Louisa county except Columbus City, Union, Oakland  
 1445 and Concord townships.

1446 d. In Muscatine county, Seventy Six and Fruitland townships.

1447 97. The ninety-seventh representative district shall consist of  
 1448 the following portions of Des Moines county:

1449 a. Yellow Springs, Huron, Franklin, Benton, Jackson and Dan-  
 1450 ville townships, and those portions of Flint River and Tama town-  
 1451 ships lying outside the corporate limits of the city of Burlington.

1452 b. A part of the city of Burlington bounded by a line drawn as  
 1453 as follows:

1454 Beginning at the intersection of the main channel of the Missis-  
 1455 sippi river (which is the eastern corporate limit of the city of Bur-  
 1456 lington) and the eastward extension of Linden street, west along  
 1457 the eastward extension of Linden street and Linden street to Os-  
 1458 born street, south along Osborn street to Mt. Pleasant street, east-  
 1459 erly along Mt. Pleasant street to Central avenue, southwesterly  
 1460 along Central avenue to High street, easterly along High street to  
 1461 Eighth street, southwesterly along Eighth street to Valley street,  
 1462 easterly along Valley street to Sixth street, southwesterly along  
 1463 Sixth street to Market street, westerly along Market street to Cen-  
 1464 tral avenue, southwesterly along Central avenue to the westward  
 1465 continuation of Market street, west along Market street to Gar-  
 1466 field avenue, south along Garfield avenue to Spray street, east along  
 1467 Spray street to Gunnison street, south along Gunnison street to An-  
 1468 gular street, westerly along Angular street to Garfield avenue, south  
 1469 along Garfield avenue to Dill street, easterly along Dill street to  
 1470 Perkins avenue, southwesterly along Perkins avenue to South  
 1471 street, east along South street to Summer street, southwesterly  
 1472 along Summer street to Barret street, west along Barret street and  
 1473 the westward extension of Barret street to its intersection with

1474 the western corporate limits of the city of Burlington, generally  
1475 north and east along the western and northern corporate limits of  
1476 the city of Burlington to its intersection with the main channel  
1477 of the Mississippi river, and southerly along the main channel of  
1478 the Mississippi river (which is the eastern corporate limit of the  
1479 city of Burlington) to its intersection with the eastward extension  
1480 of Linden street, the place of beginning.

1481 98. The ninety-eighth representative district shall consist of:

1482 a. In Des Moines county:

1483 (1) The territory which constituted Augusta township as it ex-  
1484 isted prior to March 16, 1970, and those portions of Union and  
1485 Concordia townships lying outside the corporate limits of the city  
1486 of Burlington.

1487 (2) All of the city of Burlington, except that part assigned to  
1488 representative district ninety-seven by subsection ninety-seven (97)  
1489 of this section.

1490 b. In Lee county:

1491 (1) Denmark, Green Bay and West Point townships, and that  
1492 portion of Washington township lying outside the corporate limits  
1493 of the city of Ft. Madison.

1494 (2) A part of the city of Ft. Madison bounded by a line drawn  
1495 as follows:

1496 Beginning at the intersection of the northern corporate limits of  
1497 the city of Ft. Madison and Fifteenth street, south along Fifteenth  
1498 street to Avenue H, west along Avenue H to Sixteenth street, south  
1499 along Sixteenth street to Avenue I, west along Avenue I to Twen-  
1500 ty-sixth street, south along Twenty-sixth street to Avenue L,  
1501 west along Avenue L to the southward continuation of Twenty-  
1502 sixth street, south along Twenty-sixth street to the corporate lim-  
1503 its of the city of Ft. Madison, southwesterly along the corporate  
1504 limits to Thirty-fourth street, north along Thirty-fourth street to  
1505 Avenue L, east along Avenue L to Thirty-second street, north along  
1506 Thirty-second street to Avenue H, west along Avenue H to Thirty-  
1507 third street, south along Thirty-third street to the westward con-  
1508 tinuation of Avenue H, west along Avenue H to Thirty-fourth place,  
1509 north along Thirty-fourth place to Avenue E, west along Avenue  
1510 E to Thirty-fifth street, north along Thirty-fifth street to Avenue C,  
1511 east along Avenue C to its intersection with the northern corporate  
1512 limits of the city of Ft. Madison, and generally eastward along the  
1513 northern corporate limits of the city of Ft. Madison to its intersec-  
1514 tion with Fifteenth street, the place of beginning.

1515 99. The ninety-ninth representative district shall consist of:

1516 a. All of Jefferson county.

1517 b. In Lee county, Cedar, Marion, Pleasant Ridge, Harrison, Van  
1518 Buren and Franklin townships, and that part of the town of Don-  
1519 nellson lying in Charleston township.

1520 c. All of Van Buren county.

1521 100. The one hundredth representative district shall consist of  
1522 the following portions of Lee county:

1523 a. Des Moines, Montrose and Jackson townships, that portion  
1524 of Charleston township lying outside the corporate limits of the  
1525 town of Donnellson, and those portions of Jefferson and Madi-  
1526 son townships lying outside the corporate limits of the city of Ft.  
1527 Madison.

1528 b. All of the city of Ft. Madison, except the part assigned to the  
 1529 ninety-eighth representative district by subsection ninety-eight  
 1530 (98) of this section.

1531 c. All of the city of Keokuk.

1 SEC. 5. The state is hereby divided into fifty senatorial dis-  
 2 tricts each composed of two of the representative districts estab-  
 3 lished by section four (4) of this Act, as follows:

4 1. The first senatorial district shall consist of the first and sec-  
 5 ond representative districts.

6 2. The second senatorial district shall consist of the third and  
 7 fourth representative districts.

8 3. The third senatorial district shall consist of the fifth and  
 9 sixth representative districts.

10 4. The fourth senatorial district shall consist of the seventh and  
 11 eighth representative districts.

12 5. The fifth senatorial district shall consist of the ninth and  
 13 tenth representative districts.

14 6. The sixth senatorial district shall consist of the eleventh and  
 15 twelfth representative districts.

16 7. The seventh senatorial district shall consist of the thirteenth  
 17 and fourteenth representative districts.

18 8. The eighth senatorial district shall consist of the fifteenth  
 19 and sixteenth representative districts.

20 9. The ninth senatorial district shall consist of the seventeenth  
 21 and eighteenth representative districts.

22 10. The tenth senatorial district shall consist of the nineteenth  
 23 and twentieth representative districts.

24 11. The eleventh senatorial district shall consist of the twenty-  
 25 first and twenty-second representative districts.

26 12. The twelfth senatorial district shall consist of the twenty-  
 27 third and twenty-fourth representative districts.

28 13. The thirteenth senatorial district shall consist of the twenty-  
 29 fifth and twenty-sixth representative districts.

30 14. The fourteenth senatorial district shall consist of the twenty-  
 31 seventh and twenty-eighth representative districts.

32 15. The fifteenth senatorial district shall consist of the twenty-  
 33 ninth and thirtieth representative districts.

34 16. The sixteenth senatorial district shall consist of the thirty-  
 35 first and thirty-second representative districts.

36 17. The seventeenth senatorial district shall consist of the thirty-  
 37 third and thirty-fourth representative districts.

38 18. The eighteenth senatorial district shall consist of the thirty-  
 39 fifth and thirty-sixth representative districts.

40 19. The nineteenth senatorial district shall consist of the thirty-  
 41 seventh and thirty-eighth representative districts.

42 20. The twentieth senatorial district shall consist of the thirty-  
 43 ninth and fortieth representative districts.

44 21. The twenty-first senatorial district shall consist of the forty-  
 45 first and forty-second representative districts.

46 22. The twenty-second senatorial district shall consist of the  
 47 forty-third and forty-fourth representative districts.

48 23. The twenty-third senatorial district shall consist of the forty-  
 49 fifth and forty-sixth representative districts.

- 50 24. The twenty-fourth senatorial district shall consist of the  
51 forty-seventh and forty-eighth representative districts.
- 52 25. The twenty-fifth senatorial district shall consist of the forty-  
53 ninth and fiftieth representative districts.
- 54 26. The twenty-sixth senatorial district shall consist of the fifty-  
55 first and fifty-second representative districts.
- 56 27. The twenty-seventh senatorial district shall consist of the  
57 fifty-third and fifty-fourth representative districts.
- 58 28. The twenty-eighth senatorial district shall consist of the  
59 fifty-fifth and fifty-sixth representative districts.
- 60 29. The twenty-ninth senatorial district shall consist of the fifty-  
61 seventh and fifty-eighth representative districts.
- 62 30. The thirtieth senatorial district shall consist of the fifty-  
63 ninth and sixtieth representative districts.
- 64 31. The thirty-first senatorial district shall consist of the sixty-  
65 first and sixty-second representative districts.
- 66 32. The thirty-second senatorial district shall consist of the  
67 sixty-third and sixty-fourth representative districts.
- 68 33. The thirty-third senatorial district shall consist of the  
69 sixty-fifth and sixty-sixth representative districts.
- 70 34. The thirty-fourth senatorial district shall consist of the sixty-  
71 seventh and sixty-eighth representative districts.
- 72 35. The thirty-fifth senatorial district shall consist of the sixty-  
73 ninth and seventieth representative districts.
- 74 36. The thirty-sixth senatorial district shall consist of the sev-  
75 enty-first and seventy-second representative districts.
- 76 37. The thirty-seventh senatorial district shall consist of the sev-  
77 enty-third and seventy-fourth representative districts.
- 78 38. The thirty-eighth senatorial district shall consist of the sev-  
79 enty-fifth and seventy-sixth representative districts.
- 80 39. The thirty-ninth senatorial district shall consist of the sev-  
81 enty-seventh and seventy-eighth representative districts.
- 82 40. The fortieth senatorial district shall consist of the seventy-  
83 ninth and eightieth representative districts.
- 84 41. The forty-first senatorial district shall consist of the eighty-  
85 first and eighty-second representative districts.
- 86 42. The forty-second senatorial district shall consist of the  
87 eighty-third and eighty-fourth representative districts.
- 88 43. The forty-third senatorial district shall consist of the eighty-  
89 fifth and eighty-sixth representative districts.
- 90 44. The forty-fourth senatorial district shall consist of the  
91 eighty-seventh and eighty-eighth representative districts.
- 92 45. The forty-fifth senatorial district shall consist of the eighty-  
93 ninth and ninetieth representative districts.
- 94 46. The forty-sixth senatorial district shall consist of the ninety-  
95 first and ninety-second representative districts.
- 96 47. The forty-seventh senatorial district shall consist of the  
97 ninety-third and ninety-fourth representative districts.
- 98 48. The forty-eighth senatorial district shall consist of the ninety-  
99 fifth and ninety-sixth representative districts.
- 100 49. The forty-ninth senatorial district shall consist of the ninety-  
101 seventh and ninety-eighth representative districts.
- 102 50. The fiftieth senatorial district shall consist of the ninety-  
103 ninth and one hundredth representative districts.

1 SEC. 6. If this Act fails to place any part of any county, town-  
 2 ship, city, or town within any senatorial district or representative  
 3 district established by this Act, the supreme court of the state of  
 4 Iowa shall assign the omitted area of the county, township, city, or  
 5 town to a contiguous senatorial or representative district, which-  
 6 ever is applicable, in such manner as the supreme court shall deter-  
 7 mine is necessary to guarantee the electorate within the omitted  
 8 area fair and equal representation. The supreme court may also  
 9 correct obvious clerical errors in this Act in such manner as is  
 10 necessary to carry out clear legislative intent, if any such errors are  
 11 brought to the court's attention at a time when the general assem-  
 12 bly will not have the opportunity to correct such errors before the  
 13 next succeeding primary or general elections.

1 SEC. 7. If it becomes necessary to elect a successor to complete  
 2 the unexpired term of any senator or representative serving in the  
 3 Sixty-fourth General Assembly, the successor shall be elected from  
 4 the district represented by such senator or representative under  
 5 chapter forty-one (41), Code 1971, but that chapter shall not apply  
 6 to the regular 1972 primary and general elections for members of  
 7 the general assembly. Chapter forty-one (41), Code 1971, is hereby  
 8 repealed effective December 31, 1972.

Approved June 30, 1971.

## CHAPTER 96

### VACANCIES IN GENERAL ASSEMBLY

S. F. 485

AN ACT relating to elections to fill vacancies in the General Assembly.

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

1 SECTION 1. Section forty-three point eighty-three (43.83), Code  
 2 1971, is amended as follows:  
 3 **43.83 Vacancies in office of congressman.** A nomination to be  
 4 voted on at a special election and occasioned by a vacancy in the office  
 5 of representative in Congress, shall be made by a convention duly  
 6 called by the district central committee not less than twenty-five  
 7 days prior to the date set for the special election. [In the event the  
 8 special election is to fill a vacancy in the general assembly while  
 9 it is in session or within forty-five days of the convening of any  
 10 session, the time limit herein provided shall not apply.]

Approved June 10, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 97

## POLITICAL PARTY DELEGATES

S. F. 308

AN ACT relating to delegates to political party caucuses and conventions.

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

1 SECTION 1. Section forty-three point ninety (43.90), Code 1971,  
2 is amended as follows:

3 **43.90 Delegates.** The county convention shall be composed of del-  
4 egates elected at the last preceding precinct caucus. *Delegates shall*  
5 *be eligible voters and residents of the precinct including persons eigh-*  
6 *teen years of age or over who are residents of the precinct and who*  
7 *meet all other qualifications of an eligible voter in the precinct.*  
8 The number of delegates from each voting precinct shall be deter-  
9 mined by a ratio adopted by the respective party county central com-  
10 mittees, and a statement designating the number from each voting  
11 precinct in the county shall be filed by such committee in the office of  
12 the county auditor at least fifty-five days before the primary elec-  
13 tion; if not so done, the auditor shall fix the number.

1 SEC. 2. Section forty-three point ninety-one (43.91), Code 1971,  
2 is amended as follows:

3 **43.91 Voter at caucus must be precinct resident.** Any person vot-  
4 ing at a precinct caucus must be an eligible voter and resident of the  
5 precinct, *provided that persons eighteen years of age or over who*  
6 *are residents of the precinct and meet all other qualifications of an*  
7 *eligible voter in the precinct shall be entitled to vote.* A list of the  
8 names and addresses of each person to whom a ballot was delivered  
9 or who was allowed to vote in each precinct caucus shall be prepared  
10 by the caucus chairman and secretary who shall certify such list to  
11 the county auditor at the same time as the names of those elected as  
12 delegates and party committeemen are so certified.

1 SEC. 3. Section forty-three point ninety-seven (43.97), subsection  
2 four (4), Code 1971, is amended as follows:

3 4. Elect delegates to the next ensuing regular state convention  
4 and to all district conventions of that year upon such ratio of repre-  
5 sentation as may be determined by the party organization for the  
6 state, district or districts of the state, as the case may be. Delegates  
7 to district conventions need not be selected in the absence of any  
8 apparent reason therefor. *Delegates shall be eligible voters and resi-*  
9 *dents of the county, including persons eighteen years of age or over*  
10 *who are residents of the county and meet all other qualifications of*  
11 *an eligible voter in the county.*

1 SEC. 4. Chapter forty-three (43), Code 1971, is amended by add-  
2 ing the following new section:

3 "Any person eighteen years of age or over may be a delegate to  
4 the national conventions of any political party or to the state conven-  
5 tion of any political party when the convention is called."

Approved May 24, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.



CHAPTER 98  
ELECTION PROCEDURES  
H. F. 713

AN ACT relating to the election laws.

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

1 SECTION 1. Section forty-four point one (44.1), Code 1971, is  
2 amended as follows:

3 44.1 **Political nonparty organizations.** Any convention or caucus of  
4 qualified electors representing a political organization which is not a  
5 political party as defined by law, may, for the state, or for any division  
6 or municipality thereof, or for any county, or for any subdivision  
7 thereof, for which such convention or caucus is held, make one nomi-  
8 nation of a candidate for each office to be filled therein at the general  
9 election. Provided that to qualify for any nomination made for a  
10 statewide elective office by such a political organization shall require,  
11 *in attendance*, a minimum of two hundred fifty qualified electors with  
12 at least one elector from each of twenty-five counties. *To qualify for*  
13 *any nomination made for a United States representative shall require,*  
14 *in attendance, a minimum of fifty qualified electors who are residents*  
15 *of the congressional district with at least one from each of at least*  
16 *one-half of the counties of the congressional district. To qualify for*  
17 *any nomination made for the general assembly shall require, in*  
18 *attendance, a minimum of ten qualified electors who are residents of*  
19 *the district with at least one from one-half of the voting precincts in*  
20 *the district. The names of all delegates in attendance at such conven-*  
21 *tion or caucus and such fact shall be certified to the secretary of state*  
22 *together with the other certification requirements of this chapter.*

1 SEC. 2. Section forty-four point three (44.3), subsection eight  
2 (8), Code 1971, is amended as follows:

3 8. The name and address of each delegate or voter in attendance  
4 at a convention or caucus where a nomination is made [for a state  
5 elective office].

1 SEC. 3. Section forty-eight point six (48.6), Code 1971, is amended  
2 by striking the section and inserting in lieu thereof the following:

3 48.6 **Form of records.** The form of the registration records shall  
4 be substantially as set forth in this section. The commissioner of  
5 registration shall provide suitable forms for the purpose of registra-  
6 tion. The forms shall be large enough to contain the necessary infor-  
7 mation required in legible writing. The registration form shall require  
8 the following information to be provided:

9 1. The name of the applicant, giving surname and Christian names  
10 in full. Whenever any change of name shall occur due to marriage,  
11 or divorce, or otherwise, the registrant shall not be allowed to vote  
12 until the registrant has reregistered, and after such reregistration the  
13 previous registration record shall be removed from the files.

14 2. Residence, giving name and number of the street, avenue, or  
15 other location of the dwelling, and such additional clear and definite  
16 description as may be necessary to give the exact residence of the  
17 applicant. Post office box numbers shall not be used unless no other

- 18 method of identifying the residence exists for the community.  
19 3. Date of birth.  
20 4. Sex.  
21 5. Term of residence in the United States, in the state, in the  
22 county.  
23 6. Ward, precinct, school district, and such other districts in which  
24 the registrant resides which are empowered to call special elections.  
25 7. Place of birth. If the registrant is not native-born he shall give  
26 the date of his naturalization or of the parent through whom he claims  
27 naturalization, and the place of court, and any other information  
28 necessary to establish citizenship.  
29 8. Last previous address if the registrant has resided at his present  
30 address for less than five years.  
31 9. Party affiliation. No party affiliation need be stated if the reg-  
32 istrant declines to make such statement.  
33 10. The affidavit described in Section 8 of this Act.  
34 11. An expressed authorization to cancel all other registrations to  
35 vote.  
36 12. The social security number of the registrant, if available.  
37 13. The signature of registrant.

1 SEC. 4. Section forty-eight point seven (48.7), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **48.7 Change of address notice.** Change of address notice shall be  
5 provided for the use of any registered voter moving to a new location.  
6 Change of address notice shall provide space for the previous address  
7 of the voter, the address of the exact location to which he is moving,  
8 and his signature. Any written notification from the voter containing  
9 the required information and signature shall be sufficient to validate  
10 his registration. If the commissioner of registration receives written  
11 notification of change of address from any registered voter and the  
12 notification does not contain the required information, the commis-  
13 sioner shall immediately mail to the voter at his last known address  
14 notice that his registration is defective. Upon receipt of any valid  
15 change of address notice received not later than ten days before any  
16 election, the commissioner of registration shall make entry of any  
17 change on the original and duplicate registration lists and the voter  
18 shall be qualified to vote in the new election precinct.

1 SEC. 5. Section forty-eight point eight (48.8), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4 **48.8 Election register.** The commissioner shall compile and shall  
5 deliver to the judges of election in each precinct the duplicate regis-  
6 tration list of the voters in that precinct, which shall be known as  
7 the election register. The election register shall contain the name and  
8 address of every registered voter in that election precinct, indexed  
9 alphabetically by surname, together with a space following each name  
10 in which shall be recorded the words "voted" or "not voted", the date,  
11 and if a primary election, the party, as the case may be. A space  
12 shall also be provided for remarks in which shall be recorded any  
13 challenges, affidavits or other information as may be required. The  
14 entry of the words "voted" or "not voted", challenge, affidavit, or

15 other information, shall be made by the judges of election immediately  
 16 after approving the declaration of eligibility. Duplicate registration  
 17 lists may be prepared by electrical, mechanical or similar data process-  
 18 ing methods. When the election register is prepared by data process-  
 19 ing methods, symbols may be used for all entries required by this  
 20 section, providing a legend explaining all such symbols is printed  
 21 upon each page of the election register.

1 SEC. 6. Section forty-eight point nine (48.9), Code 1971, is  
 2 amended by striking unnumbered paragraph three (3) and inserting  
 3 in lieu thereof the following:

4 "Upon the return by the post office of any such notice, the com-  
 5 missioner of registration shall, and at other times may, direct an  
 6 authorized clerk to verify the name and address of any voter, and  
 7 if the voter is found to have moved from the address as recorded  
 8 on the original registration list, the commissioner shall cause the  
 9 voter's name to be removed from the active registration list."

1 SEC. 7. Section forty-eight point ten (48.10), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **48.10 Deceased persons—record.** It is the mandatory duty of  
 5 each local registrar and deputy registrar of vital statistics to provide  
 6 the commissioner of registration of his city or county, as the case  
 7 may be, with a certified list of the names and last known addresses,  
 8 and social security numbers and dates of birth, if known, of all  
 9 persons eighteen years of age or over who have died in his county.  
 10 Such lists shall be delivered by the tenth day of each month. The  
 11 commissioner of registration, shall, upon receipt of such report, ex-  
 12 amine the original registration list and shall remove therefrom, to  
 13 an inactive file, the registration records of all registered persons certi-  
 14 fied by the local registrar or deputy registrar of vital statistics as  
 15 deceased.

1 SEC. 8. Section forty-eight point eleven (48.11), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 **48.11 Time and method of registration.** The commissioner of  
 5 registration or any authorized deputy or clerk working for him or  
 6 under his direction and control, shall, up to and including the tenth  
 7 day next preceding any election, receive the application for registra-  
 8 tion of all qualified voters as shall personally appear before him, or  
 9 any other person authorized to register voters, who will be entitled  
 10 to vote on the day of the next known election to be held in the regis-  
 11 trant's precinct after the day of registration. An affidavit in substan-  
 12 tially the following form shall be executed by the registrant during  
 13 the process of registration:

14 "I do solemnly swear or affirm, under penalty of law, that I have  
 15 been a resident of the state of Iowa for at least six months, of said  
 16 county for at least sixty days, and of said precinct for at least ten  
 17 days, that I am lawfully eligible to vote in said state, county, and  
 18 precinct, and that all of the information which I have given upon  
 19 this voter registration record is true and complete, and I hereby  
 20 authorize the cancellation of any and all of my previous registrations  
 21 to vote in this or any other place."

22 If any application form is used, it may be merged with and made  
 23 an integral part of the registration record, or may be incorporated by  
 24 reference or otherwise made a part of the registration record, and  
 25 need not retain a separate identity. No data need appear upon any  
 26 merged application and registration record more than once.

27 Upon being sworn, the applicant shall answer such questions as  
 28 are required, as hereinbefore set forth, and the clerk shall fill out  
 29 the form which the applicant shall sign, and he shall not be required  
 30 to register again for any election; provided, however, that failure  
 31 to vote at least once in four calendar years wherein elections are  
 32 held shall operate as a challenge and shall require the applicant to  
 33 reregister. In case a qualified voter is unable to write his name, he  
 34 shall be required to make a cross, which shall be certified by the  
 35 signing of the name of the applicant by the registration clerk taking  
 36 the application. A qualified voter who is unable to sign his name  
 37 shall not be permitted to mail or hand in removal notices as is in  
 38 this chapter provided, but must appear in person to secure a removal  
 39 of his name to his new voting precinct.

1 SEC. 9. Section forty-eight point twelve (48.12), Code 1971, is  
 2 amended by striking the section and inserting in lieu thereof the  
 3 following:

4 48.12 **Disabled or absent voters.** Any person entitled to register  
 5 who is permanently disabled by sickness or otherwise, or who will be  
 6 absent from the election precinct until after the next succeeding elec-  
 7 tion, may apply in writing to the commissioner of registration, who  
 8 shall forward to such person the necessary forms for permanent regis-  
 9 tration, which shall be executed before a notary public by the appli-  
 10 cant and returned to the commissioner of registration. If a form is  
 11 properly executed and shows that the voter is duly qualified, and is  
 12 returned during the period when registrants are allowed to register  
 13 in person, then the applicant's name shall be placed on the registration  
 14 list.

1 SEC. 10. Section forty-eight point twenty-two (48.22), Code 1971,  
 2 is amended by striking the section and inserting in lieu thereof the  
 3 following:

4 48.22 **Permissive adoption.** The city council of any city having a  
 5 population of two thousand or more or the board of supervisors of any  
 6 other county having a population under fifty thousand in which regis-  
 7 tration of voters is not required, may, by ordinance or resolution,  
 8 adopt the plan for registration provided in this chapter. Also, any  
 9 county may, by resolution by the board of supervisors, require regis-  
 10 tration of voters in any township having a population of fifteen hun-  
 11 dred or more. When the city council of any such city or the board  
 12 of supervisors of any such county adopts an ordinance or resolution  
 13 establishing such plan, all the provisions of this chapter shall apply  
 14 to such city or county.

1 SEC. 11. Chapter forty-seven (47), Code 1971, is repealed.

1 SEC. 12. Section forty-nine point nine (49.9) is amended as fol-  
 2 lows:

3 49.9 **Proper place of voting.** No person shall vote in any precinct  
 4 but that of his residence [except as provided in section 363.21].

1 SEC. 13. Section forty-nine point seventy-three (49.73), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **49.73 Time of opening and closing polls.** At all elections in pre-  
5 cincts in which permanent registration is not required the polls shall  
6 be opened at eight o'clock a.m. At all elections in precincts in which  
7 permanent registration is required the polls shall be opened at seven  
8 o'clock a.m., or in each case as soon thereafter as vacancies in the places  
9 of judges or clerks of election have been filled. In all cases the polling  
10 places shall be closed at eight o'clock p.m.

1 SEC. 14. Section forty-nine point eighty-one (49.81), Code 1971, is  
2 amended by adding the following new paragraph:

3 "This section shall not apply to precincts in which permanent regis-  
4 tration is required."

1 SEC. 15. Section forty-nine point eighty-three (49.83), Code 1971,  
2 is amended by striking the section and inserting in lieu thereof the  
3 following:

4 **49.83 Names to be entered on pollbook or election register.** In  
5 precincts in which permanent registration is not required the name of  
6 each person, when a ballot is delivered to him, shall be entered by each  
7 of the clerks of election in the pollbook kept by him in the place pro-  
8 vided therefor. In precincts in which permanent registration is re-  
9 quired, the name of each voter shall be marked on the election register  
10 by a clerk of election when the voter's declaration of eligibility has been  
11 approved by the judges of election.

1 SEC. 16. Section forty-nine point one hundred twenty-four  
2 (49.124), Code 1971, is amended as follows:

3 **49.124 Training course by auditor.** It shall be the duty of the  
4 county auditor to conduct, not less than [seven] *three* days before  
5 each primary and general election, a training course of not more than  
6 two hours for all election personnel. Such personnel shall include  
7 judges, clerks, special police, constables, and any other persons who  
8 will be employed in or around the polling places on election day.

1 SEC. 17. Every citizen of the United States of the age of twenty-  
2 one years, who shall have been a resident of this state for six months  
3 next preceding the election, and of the county in which he claims his  
4 vote sixty days, and of the precinct in which he claims his vote ten  
5 days, shall be entitled to vote, subject to chapter forty-eight (48), if  
6 applicable, and chapter forty-nine (49), at all elections which may  
7 now or hereafter be authorized by law and held on or before July 1,  
8 1972. Provided that persons eighteen years of age or over and under  
9 twenty-one years of age who satisfy the above residency requirements  
10 may vote in any election for federal offices. This section shall be  
11 printed in the session laws only, and shall not be made a permanent  
12 part of the Code of Iowa.

1 SEC. 18. Section fifty-three point thirty-eight (53.38), Code 1971,  
2 is amended as follows:

3 **53.38 Affidavit constitutes registration.** Whenever registration is  
4 required in order to vote at either the primary election or general

5 election, in the case of voters in the armed forces of the United States,  
6 the affidavit upon the ballot envelope of such voter, otherwise qualified,  
7 shall constitute a sufficient registration, [whether the] *if* registration  
8 is required [be] under the provisions of [chapter 47 or] chapter 48.

1 SEC. 19. Section fifty-three point twenty-eight (53.28), Code 1971,  
2 is hereby amended as follows:

3 **53.28 Affidavit envelope constitutes registration.** The affidavit  
4 upon the ballot envelope shall constitute a sufficient registration of  
5 the voter [in precincts where registration is required] *except in pre-*  
6 *cinets where permanent registration is required.*

1 SEC. 20. Section forty-eight point twenty (48.20), Code 1971, is  
2 repealed.

1 SEC. 21. Section forty-nine point four (49.4), unnumbered para-  
2 graph two (2), Code 1971, as amended by House File one hundred  
3 nineteen (119),\* section one (1), of the Sixty-fourth General Assem-  
4 bly, First Session, is amended as follows:

5 No election precinct shall have a total population in excess of three  
6 thousand *five hundred*, as shown by the most recent federal decennial  
7 census. Where a civil township, or the portion of a civil township  
8 outside the corporate limits of any or all cities and towns located  
9 wholly or partially within the boundaries of such township, is divided  
10 into two or more election precincts, the populations of each such pre-  
11 cinct shall be as nearly equal as possible within the limitations of  
12 availability of suitable polling places and of reliable data on the popu-  
13 lations of various parts of such township, and the boundaries of each  
14 precinct so established shall follow the boundaries of areas for which  
15 official population figures are available from the most recent federal  
16 decennial census. Every precinct shall be contained wholly within an  
17 existing legislative district as established by law, and where an un-  
18 avoidable conflict arises between this requirement and the requirement  
19 that the populations of any two precincts shall be as nearly equal as  
20 possible, the requirement that each precinct shall be contained wholly  
21 within an existing legislative district shall take precedence. The  
22 board of supervisors shall make any changes necessary to comply with  
23 this section no earlier than July first and not later than December  
24 thirty-first of each year immediately following a year in which the  
25 federal decennial census is taken, unless the general assembly by  
26 joint resolution establishes different dates for such compliance. Any  
27 or all of the publications required by section 49.11 may be made after  
28 December thirty-first if necessary.

1 SEC. 22. Section forty-nine point five (49.5), unnumbered para-  
2 graph two (2) and subsection one (1), Code 1971, as amended by  
3 House File one hundred nineteen (119),\* section two (2), of the Sixty-  
4 fourth General Assembly, First Session, are amended as follows:

5 Election precincts shall be of as nearly equal population as possible  
6 within the limitations of reliable data on the populations of various  
7 parts of such city, and the boundaries of each precinct shall follow  
8 the boundaries of areas for which official population figures are

9 available from the most recent federal decennial census. Every pre-  
 10 cinct shall be contained wholly within an existing legislative district.  
 11 No election precinct shall have a total population in excess of three  
 12 thousand *five hundred*, as shown by the most recent federal decennial  
 13 census, except that:

14 1. If in any area of the city it is not possible to devise a con-  
 15 tiguous precinct having a population of less than three thousand *five*  
 16 *hundred* by the most recent federal decennial census, because one or  
 17 more of the smallest population units for which census data are avail-  
 18 able are composed of noncontiguous territory, the city council may  
 19 utilize other reliable and documented indicators of population dis-  
 20 tribution in establishing precincts within that area.

1 SEC. 23. Section forty-nine point six (49.6), Code 1971, as  
 2 amended by House File one hundred nineteen (119),\* section three  
 3 (3), of the Sixty-fourth General Assembly, First Session, is amended  
 4 as follows:

5 **49.6 Power to combine township and city precincts.** The board of  
 6 supervisors and the council of any town or city of less than thirty-five  
 7 hundred inhabitants, not including the inmates of any state institu-  
 8 tion, may combine any part of the township outside of such city with  
 9 any or all the wards or precincts thereof as one election precinct, or  
 10 change or abolish such precinct. No precinct so created shall have a  
 11 total population in excess of three thousand *five hundred*, as shown by  
 12 the most recent federal decennial census.

Approved June 30, 1971.

\*Ch. 99, §§1-3.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 99†

### ELECTION PRECINCTS

#### H. F. 119

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 1971, is  
 2 amended as follows:

3 **49.4 Change in precincts by supervisors — size limitation.** The  
 4 board of supervisors may divide a township, or part thereof, into two  
 5 or more precincts, or change or abolish such division. The board of  
 6 supervisors may also combine two or more contiguous townships into  
 7 one election precinct, subject to the provisions of this section. An  
 8 order establishing precincts shall define their boundaries.

9 No election precinct shall have a total population in excess of three  
 10 thousand,\* as shown by the most recent federal decennial census.  
 11 Where a civil township, or the portion of a civil township outside the  
 12 corporate limits of any or all cities and towns located wholly or par-  
 13 tially within the boundaries of such township, is divided into two or  
 14 more election precincts, the populations of each such precinct shall be  
 15 as nearly equal as possible within the limitations of availability of  
 16 suitable polling places and of reliable data on the populations of vari-  
 17 ous parts of such township, and the boundaries of each precinct so

\*Amended by ch. 98, §21.

†See Editor's note, page iii.

18 established shall follow the boundaries of areas for which official  
19 population figures are available from the most recent federal decen-  
20 nial census. Every precinct shall be contained wholly within an ex-  
21 isting legislative district as established by law, and where an unavoid-  
22 able conflict arises between this requirement and the requirement that  
23 the populations of any two precincts shall be as nearly equal as pos-  
24 sible, the requirement that each precinct shall be contained wholly  
25 within an existing legislative district shall take precedence. The  
26 board of supervisors shall make any changes necessary to comply  
27 with this section no earlier than July first and not later than Decem-  
28 ber thirty-first of each year immediately following a year in which  
29 the federal decennial census is taken, unless the general assembly  
30 by joint resolution establishes different dates for such compliance.  
31 Any or all of the publications required by section 49.11 may be made  
32 after December thirty-first if necessary.

33 Nothing in this section shall prohibit a board of supervisors which  
34 has complied with the applicable requirements of this section by  
35 December thirty-first of any year following a year in which the fed-  
36 eral decennial census is taken, from thereafter changing the bound-  
37 aries of any precinct in the manner and within the limitations pro-  
38 vided by this section at any time prior to or during the year in which  
39 the next federal decennial census is taken, if the board concludes that  
40 the changes in precinct boundaries are necessary to best serve the  
41 voters affected.

42 The secretary of state shall be notified when precinct boundary  
43 lines are changed and a map delineating the new boundary lines sup-  
44 plied.

1 SEC. 2. Section forty-nine point five (49.5), Code 1971, is  
2 amended as follows:

3 **49.5 City precincts.** The council of a city may, from time to time,  
4 by ordinance definitely fixing the boundaries, divide the city into such  
5 number of election precincts as will best serve the convenience of the  
6 voters.

7 Election precincts shall be of as nearly equal population as possible  
8 within the limitations of reliable data on the populations of various  
9 parts of such city, and the boundaries of each precinct shall follow the  
10 boundaries of areas for which official population figures are available  
11 from the most recent federal decennial census. Every precinct shall be  
12 contained wholly within an existing legislative district. No election  
13 precinct shall have a total population in excess of three thousand,\* as  
14 shown by the most recent federal decennial census, except that:

15 1. If in any area of the city it is not possible to devise a contiguous  
16 precinct having a population of less than three thousand by the  
17 most recent federal decennial census, because one or more of the  
18 smallest population units for which census data are available are  
19 composed of noncontiguous territory, the city council may utilize  
20 other reliable and documented indicators of population distribution  
21 in establishing precincts within that area.

22 2. Where an unavoidable conflict arises between the requirements  
23 of this section relating to population of precincts and the requirement  
24 that each precinct be contained wholly within an existing legislative

\*Amended by ch. 98, §§22 and 28.



25 district, the latter requirement shall take precedence.

26 The council shall make any changes necessary to comply with this  
27 section no earlier than July first and not later than December thirty-  
28 first of each year immediately following a year in which the federal  
29 decennial census is taken, unless the general assembly by joint reso-  
30 lution establishes different dates for such compliance. Any or all of  
31 the publications required by section 49.11 may be made after Decem-  
32 ber thirty-first if necessary.

33 Nothing in this section shall prohibit a city council which has com-  
34 plied with the applicable requirements of this section by December  
35 thirty-first of any year following a year in which the federal decennial  
36 census is taken, from thereafter changing the boundaries of any pre-  
37 cinct in the manner and within the limitations provided by this sec-  
38 tion, at any time prior to or during the year in which the next fed-  
39 eral decennial census is taken, if the council concludes that the  
40 changes in precinct boundaries are necessary to best serve the voters  
41 affected.

42 The secretary of state shall be notified when precinct boundary  
43 lines are changed and a map delineating the new boundary lines sup-  
44 plied.

1 SEC. 3. Section forty-nine point six (49.6), Code 1971, is  
2 amended as follows:

3 **49.6 Power to combine township and city precincts.** The board of  
4 supervisors and the council of any town or city of less than thirty-five  
5 hundred inhabitants, not including the inmates of any state institu-  
6 tion, may combine any part of the township outside of such city with  
7 any or all the wards or precincts thereof as one election precinct, or  
8 change or abolish such precinct. No precinct so created shall have a  
9 total population in excess of three thousand,\* as shown by the most  
10 recent federal decennial census.

1 SEC. 4. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in The Mus-  
3 catine Journal, a newspaper published in Muscatine, Iowa, and in the  
4 Times-Democrat, a newspaper published in Davenport, Iowa.

Approved April 5, 1971.

I hereby certify that the foregoing Act, House File 119, was published in The Musca-  
tine Journal, Muscatine, Iowa, April 9, 1971, and in the Times-Democrat, Davenport,  
Iowa, April 9, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

\*Amended by ch. 98, §23.

## CHAPTER 100

### ELECTION PRECINCTS

H. F. 230

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 seven (49.7), Code 1971, is  
2 amended as follows:

3 **49.7 Portions of townships combined.** No precinct shall contain  
4 different townships or parts thereof, except where *the board of super-*

5 *visors has combined two or more contiguous townships into one elec-*  
 6 *tion precinct or where, by reason of the existence of a village or incor-*  
 7 *porated town on or near a township line, the board of supervisors may*  
 8 *create a voting precinct in compact form, from said town or village,*  
 9 *and may include therein territory adjoining and adjacent to said vil-*  
 10 *lage or town, which is situated in two or more townships.*

1 SEC. 2. Section forty-nine point ten (49.10), Code 1971, is  
 2 amended by adding the following new subsection:

3 "If two or more contiguous townships have been combined into one  
 4 election precinct by the board of supervisors, the board shall provide  
 5 a polling place which is convenient to all of the electors in the pre-  
 6 cinct."

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

Approved April 15, 1971.

## CHAPTER 101

### CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES

#### H. F. 429

AN ACT relating to preparation of ballots and voting machines for constitutional questions, amendments and public measures.

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

1 SECTION 1. Section forty-nine point forty-three (49.43), Code  
 2 1971, is amended by adding the following new paragraph:

3 "Following the question, if it be for a constitutional amendment,  
 4 shall be a summary of the amendment worded by the secretary of  
 5 state. The summary shall be used in each county and shall be worded  
 6 the same as the secretary of state has provided for any other means  
 7 of voting on the same amendment."

1 SEC. 2. Section forty-nine point forty-five (49.45), Code of 1971,  
 2 is amended as follows:

3 49.45 **General form of ballot.** Ballots referred to in sections 49.43  
 4 and 49.44 shall be substantially in the following form:

5 "Shall the following amendment to the Yes.....  
 6 constitution (or public measure) be adopted?" No.....

7 (Here insert *the summary, if it be for a constitutional amendment,*  
 8 *and in full the proposed constitutional amendment or public measure.*)

1 SEC. 3. Section fifty-two point twenty-four (52.24), Code 1971,  
 2 is amended as follows:

3 52.24 All of the provisions of the election law now in force and not  
 4 inconsistent with the provisions of this chapter shall apply with full  
 5 force to all counties, cities, and towns adopting the use of voting ma-  
 6 chines. Nothing in this chapter shall be construed as prohibiting the  
 7 use of a separate ballot for public measures[, provided, however, that  
 8 separate ballots shall be used for the submission to the people of the  
 9 question of a constitutional convention or amendments or contracting  
 10 state debts].

1 SEC. 4. Section forty-nine point forty-eight (49.48), Code 1971,  
2 is repealed.

1 SEC. 5. Section fifty-two point twenty-five (52.25), Code 1971, is  
2 amended as follows:

3 **52.25 Summary of amendment or public measure.** [Constitutional]  
4 *The question of a constitutional convention*, amendments and public  
5 measures including bond issues may be voted on the voting machines  
6 in the following manner:

7 The entire *convention question*, amendment or public measure shall  
8 be printed and displayed prominently in at least two places within  
9 the voting precinct and on the left-hand side inside the curtain of  
10 each voting machine, said printing to be in conformity with the  
11 provisions of chapter 49. The [amendment or] public measure shall  
12 be summarized by the auditor or city clerk and in the largest type  
13 possible printed on the inserts used in said voting machines[. In],  
14 *except in the case of the question of a constitutional convention*, an  
15 amendment or measure to be voted [upon] *on* in more than one county,  
16 the summary *to be placed in the voting machine inserts* shall be worded  
17 by the secretary of state and said summary shall be used in each  
18 county.

19 Any portion of section 49.43[, 49.44, 49.45, 49.46, 49.47, or] to 49.48,  
20 *inclusive*, in conflict herewith is hereby declared inapplicable to those  
21 counties which have adopted voting machines and follow the proce-  
22 dure of this section.

Approved May 5, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 102

### PAYMENT OF PUBLIC BONDS

S. F. 389

AN ACT relating to the place of payment of public bonds.

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

1 SECTION 1. Section seventy-six point six (76.6), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the fol-  
3 lowing:

4 **76.6 Place of payment.** The principal and interest of all bonds of  
5 a public corporation in this state are payable at the office of the treas-  
6 urer or public official charged with the duty of making payment, unless  
7 the proceedings of the governing body authorizing the issuance of the  
8 bonds provide that the bonds and interest thereon may also be pay-  
9 able at one or more banks or trust companies within or without the  
10 state of Iowa or as may be otherwise provided by chapter four hun-  
11 dred nineteen (419) of the Code.

Approved May 7, 1971.

CHAPTER 103†  
NOTARIES PUBLIC

H. F. 18

AN ACT relating to notaries public.

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

1 SECTION 1. Section seventy-seven point one (77.1), Code 1971, is  
2 amended as follows:

3 77.1 **Appointment.** The secretary of state may at any time ap-  
4 point one or more notaries public and may at any time revoke such  
5 appointment.

1 SEC. 2. Section seventy-seven point two (77.2), Code 1971, is  
2 amended as follows:

3 77.2 **When appointments made.**

4 1. Except as provided in subsection 2 of this section, such appoint-  
5 ments, if for a full term, shall be made on July 4, 1924, and on the  
6 same day each three years thereafter. All commissions shall expire  
7 on the fourth day of July in the same years except as provided in  
8 section seven (7) of this Act. No commission shall be for a longer  
9 period than three years except as provided in subsection two (2) of  
10 this section and section seven (7) of this Act.

11 2. Appointments made after July 4, 1972 shall be made for an  
12 initial term as follows:

13 a. Surnames beginning with 'a' through 'i' shall expire September  
14 30, 1977.

15 b. Surnames beginning with 'j' through 'r' shall expire September  
16 30, 1976.

17 c. Surnames beginning with 's' through 'z' shall expire September  
18 30, 1975.

19 All terms after the initial term shall be for a period of three years  
20 and shall expire on the thirtieth day of September.

1 SEC. 3. Section seventy-seven point three (77.3), Code 1971, is  
2 amended as follows:

3 77.3 **Notice of expiration of term.** The secretary of state shall,  
4 on or before August 1 preceding the expiration of each commission,  
5 notify each notary public of such expiration and furnish him with a  
6 blank application for reappointment and a blank bond.\*

1 SEC. 4. Section seventy-seven point four (77.4), Code 1971, is  
2 amended as follows:

3 77.4 **Conditions.** Before any such commission is delivered to the  
4 person appointed, he shall:

5 1. Procure a seal on which shall be engraved the words "Notarial  
6 Seal" and "Iowa", with his surname at length and at least the initials  
7 of his Christian name.

8 2. Execute a bond to the state of Iowa in the sum of five hundred  
9 dollars conditioned for the true and faithful execution of the duties  
10 of his office, which bond, when secured by personal surety, shall be  
11 approved by the clerk of the district court of the county of his resi-  
12 dence; all other bonds shall be approved by the secretary of state.

\*Amended by ch. 104.

†See Editor's note, page iii.

13 3. Write on said bond, or a paper attached thereto, his signature,  
14 and place thereon a distinct impression of his official seal.

15 4. File such bond with attached papers, if any, in the office of the  
16 secretary of state.

17 5. Remit the sum of seven dollars fifty cents for the three-year  
18 period provided by law to the secretary of state, except as provided  
19 in section seven (7) of this Act.

20 When the secretary of state is satisfied that the foregoing require-  
21 ments have been fully complied with, he shall execute and deliver a  
22 commission to the person appointed.\*

1 SEC. 5. Section seventy-seven point six (77.6), Code 1971, is  
2 amended as follows:

3 **77.6 Revocation—notice.** Should the commission of any person  
4 appointed notary public be revoked by the secretary of state, he shall  
5 immediately notify such person through the mail.

1 SEC. 6. Section seventy-seven point eleven (77.11), Code 1971, is  
2 amended as follows:

3 **77.11 Improperly acting as notary.** If any notary public exercises  
4 the duties of his office after the expiration of his commission, or when  
5 otherwise disqualified, or appends his official signature to documents  
6 when the parties have not appeared before him, he shall be fined not  
7 less than fifty dollars, and shall be removed from office by the secre-  
8 tary of state.\*

1 SEC. 7. All commissions granted by the governor scheduled to  
2 expire July 4, 1972, are hereby extended and shall be valid through  
3 September 30, 1972.

4 The fee for commissions granted for the initial term of five years  
5 as provided in section two (2), subsection two (2), paragraph a, of  
6 this Act shall be twelve dollars and fifty cents. The fee for commis-  
7 sions granted for the initial term of four years as provided in section  
8 two (2), subsection two (2), paragraph b, of this Act shall be ten  
9 dollars.

1 SEC. 8. Section seventy-seven point fourteen (77.14), Code 1971,  
2 is amended as follows:

3 **77.14 Death—resignation—removal.** On the death, resignation,  
4 or removal from office of any notary, his records, with all his official  
5 papers, shall, within three months therefrom, be deposited in the  
6 office of the secretary of state.

1 SEC. 9. Section seventy-seven point sixteen (77.16), Code 1971,  
2 is amended as follows:

3 **77.16 Neglect of executor to deposit records.** If an executor or  
4 administrator of a deceased notary willfully neglects, for three  
5 months after his acceptance of that appointment, to deposit in the  
6 secretary of state's office the records and papers of a deceased notary  
7 which came into his hands, he shall be held guilty of a misdemeanor.

1 SEC. 10. Section seventy-seven point eighteen (77.18), Code 1971,  
2 is amended as follows:

3 **77.18 Duty of secretary of state as to records.** The secretary of  
4 state shall receive and safely keep all such records and papers of the

\*Amended by ch. 104.

5 notary in the cases above-named, and shall give attested copies of  
 6 them, under the seal of his office, for which he may demand such  
 7 fees as by law may be allowed to the notaries, and such copies shall  
 8 have the same effect as if certified by the notary.

1 SEC. 11. Section seventy-eight point one (78.1), subsection five  
 2 (5), Code 1971, is amended as follows:

3 5. Notaries public.

1 SEC. 12. Section nine point three (9.3), Code 1971, is amended as  
 2 follows:

3 **9.3 Commissions.** All commissions issued by the governor shall  
 4 be countersigned by the secretary, who shall register each commission  
 5 in a book to be kept for that purpose, specifying the office, name of  
 6 officer, date of commission, and tenure of office, and forthwith forward  
 7 to the state comptroller a copy of said registration.

1 SEC. 13. Section seventy-seven point five (77.5), Code 1971, is  
 2 repealed.

Approved February 19, 1971.

## CHAPTER 104

### NOTARIES PUBLIC

H. F. 729

AN ACT relating to the appointment of notaries public by the secretary of state.

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

1 SECTION 1. Section seventy-seven point three (77.3), Code 1971,  
 2 as amended by House File eighteen (18)\*, section three (3), Acts of  
 3 the Sixty-fourth General Assembly, First Session, is amended by add-  
 4 ing to the section the following new paragraph:

5 "In the case of expirations of commissions expiring in the year  
 6 1972, the secretary of state shall, on or before May 1, 1972, notify  
 7 each notary public of such expiration and furnish him with a blank  
 8 application for reappointment and a blank bond."

1 SEC. 2. Section seventy-seven point four (77.4), Code 1971, as  
 2 amended by House File eighteen (18)\*, section four (4), Acts of the  
 3 Sixty-fourth General Assembly, First Session, is amended by adding  
 4 to the section the following new paragraph:

5 "A facsimile signature of the secretary of state and the seal of his  
 6 office may be affixed to the certificate of commission in lieu of a per-  
 7 sonal signature."

1 SEC. 3. House File eighteen (18)\*, section seven (7), Acts of the  
 2 Sixty-fourth General Assembly, First Session, is amended as follows:

3 Sec. 7. [All commissions granted by the governor scheduled to  
 4 expire July 4, 1972 are hereby extended and shall be valid through  
 5 September 4, 1972.] *Fees for commissions granted by the secretary*  
 6 *of state from and after July 1, 1971, which expire July 4, 1972, shall*  
 7 *be five dollars.*

\*Ch. 108, §§3, 4 and 7.

8 The fee for commissions granted for the initial term [of five years]  
 9 as provided in section two (2), subsection two (2), paragraph a, of  
 10 this Act shall be twelve dollars and fifty cents. The fee for com-  
 11 missions granted for the initial term [of four years] as provided in  
 12 section two (2), subsection two (2), paragraph b, of this Act shall  
 13 be ten dollars.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 105

### VACATION AND SICK LEAVE FOR STATE EMPLOYEES

#### H. F. 666

AN ACT relating to salaries, vacation, and sick leave 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 1971, is  
 2 amended as follows:  
 3 **79.1 Salaries—payment—vacations—sick leave—injuries in line**  
 4 **of duty.** Salaries specifically provided for in an appropriation Act of  
 5 the general assembly shall be in lieu of existing statutory salaries, for  
 6 the positions provided for in any such Act, and all salaries shall be  
 7 paid in equal monthly [or], semimonthly *or biweekly* installments and  
 8 shall be in full compensation of all services, except as otherwise ex-  
 9 pressly provided. All employees of the state including highway main-  
 10 tenance employees of the state highway commission [are granted]  
 11 *shall earn* one-week vacation [after one year] *during the first year of*  
 12 employment and two weeks' vacation per year [after] *during* the  
 13 second and through the [fifth] *fourth* year of employment, and three  
 14 weeks' vacation per year [after] *during* the fifth and through the  
 15 [twelfth] *eleventh* year of employment, and four weeks' vacation  
 16 [after] *during* the twelfth year and all subsequent years of employ-  
 17 ment, with pay. *One week vacation shall be equal to the number of*  
 18 *hours in the employee's normal workweek. Vacation allowances shall*  
 19 *be accrued on a pay period, monthly, or quarterly basis as provided by*  
 20 *the rules and regulations of the Iowa merit employment department.*  
 21 Said vacations [after the first complete year of employment] shall be  
 22 granted[, regardless of anniversary date,] at the discretion and con-  
 23 venience of the head of the department, agency or commission, *except*  
 24 *that in no case may an employee be granted vacation in excess of the*  
 25 *amount earned by him.* In the event that the employment of an em-  
 26 ployee of the state who has been in such employ for more than one  
 27 year shall be terminated for any reason other than a discharge for  
 28 good cause, he shall be paid a vacation allowance for any vacation  
 29 which *he* may have [accrued to him during the twelve months imme-  
 30 diately] *earned* prior to such termination, and which he has not yet  
 31 taken. For the purposes of this section, death of an employee shall be  
 32 considered a termination of employment which shall require payment

33 of such vacation allowances as might be payable for any other termi-  
34 nation.

35 [Vacation allowances for any period of less than one year shall be  
36 computed as having accrued at the rate of three and one-half days' pay  
37 for each completed calendar quarter during the second and through  
38 the fifth year of employment, and at the rate of five and one-fourth  
39 days' pay for each completed calendar quarter during the sixth through  
40 the twelfth and seven days' pay for each completed calendar quarter  
41 during the thirteenth and all subsequent years of employment.]

42 If said termination of employment shall be by reason of the death of  
43 the employee, such vacation allowance shall be paid to the estate of the  
44 deceased employee if such estate shall be opened for probate. If no  
45 estate be opened, the allowance shall be paid to the surviving spouse,  
46 if any, or to the legal heirs if no spouse survives.

47 Payments authorized by this section shall be approved by the depart-  
48 ment and paid from the appropriation or fund of original certification  
49 of the claim.

50 Leave of absence of [thirty] *two and one-half working* days [per  
51 year] *each month* with pay may be granted in the discretion of the  
52 head of any department, *agency or commission* to employees of such  
53 department, *agency or commission* when necessary by reason of sick-  
54 ness or injury; unused portions of such leave for any one year may be  
55 accumulative [for three consecutive years] *to a total of ninety work-*  
56 *ing days.* Provided, however, that notwithstanding the foregoing  
57 limitations, state highway commission maintenance employees, uni-  
58 formed members of the division of highway safety and uniformed  
59 force and members of the division of criminal investigation and bu-  
60 reau of identification, except clerical workers, of the department of  
61 public safety may upon the recommendation of the commissioner with  
62 the approval of the executive council, be granted additional leave of  
63 absence with pay, for injuries sustained in line of duty. It is further  
64 provided that employees of institutions under the state board of reg-  
65 ents who are employed for nine months or more in any twelve-month  
66 period shall be entitled, in the discretion of the board, to a leave of  
67 absence with pay of two and one-half *working* days for each month  
68 of employment when necessary by reason of sickness or injury, and  
69 such portion as is unused may be accumulated to a total of ninety  
70 *working* days [acquired over a period not exceeding four consecutive  
71 years or consecutive twelve-month periods].

Approved June 30, 1971.

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Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.



CHAPTER 106†  
 COMMISSIONER OF PUBLIC SAFETY  
 S. F. 170

AN ACT relating to the appointment and tenure of the commissioner of public safety.

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

1 SECTION 1. Section eighty point two (80.2), Code 1971, is amend-  
 2 ed as follows:

3 80.2 Commissioner — appointment. The chief executive officer  
 4 of the department of public safety shall be the commissioner of pub-  
 5 lic safety. The governor shall appoint, with the approval of two-  
 6 thirds of the members of the senate, a commissioner of public safety,  
 7 who shall be a man of high moral character, of good standing in the  
 8 community in which he lives, of recognized executive and administra-  
 9 tive capacity, and who shall not be selected on the basis of political  
 10 affiliation. The commissioner of public safety shall devote his entire  
 11 time to the duties of this office; he shall not engage in any other trade,  
 12 business, or profession, nor shall he engage in any partisan or politi-  
 13 cal activity. He shall serve at the pleasure of the governor, at an  
 14 annual salary as fixed by the general assembly.

1 SEC. 2. Section eighty point three (80.3), Code 1971, is amended  
 2 by striking the section and inserting in lieu thereof the following:

3 80.3 Vacancy. A commissioner of public safety appointed when  
 4 the general assembly is not in session shall serve at the pleasure of  
 5 the governor, but his term shall expire thirty days after the general  
 6 assembly next convenes in regular session, unless during such thirty  
 7 days he be approved by two-thirds of the members of the senate.

1 SEC. 3. 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 West  
 4 Des Moines Express, a newspaper published in West Des Moines, Iowa.

Approved April 1, 1971.

I hereby certify that the foregoing Act, Senate File 170, was published in The Clin-  
 ton Herald, Clinton, Iowa, April 5, 1971, and in The West Des Moines Express, West  
 Des Moines, Iowa, April 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

†See Editor's note, page iii.

CHAPTER 107  
 IOWA CRIME COMMISSION  
 S. F. 507

AN ACT relating to the Iowa crime commission.

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

1 SECTION 1. Section eighty C point two (80C.2), Code 1971, is  
 2 amended as follows:

3     **80C.2 Commission established.** There is hereby established the  
 4 Iowa crime commission, hereinafter called the commission. The com-  
 5 mission shall be within the office of the governor[, however the gov-  
 6 ernor may assign the administration of the commission to the office  
 7 for planning and programming].

1     SEC. 2. Section eighty C point three (80C.3), Code 1971, is  
 2 amended as follows:

3     **80C.3 Commission functions.** The commission shall *act as the*  
 4 *state law enforcement planning agency for purposes established by*  
 5 *state or federal agencies. The commission may* conduct inquiries,  
 6 investigations, analysis and studies of all state, county, and city  
 7 departments and agencies concerned with the problems of crime, and  
 8 the commission may conduct inquiries, investigations, analyses, and  
 9 studies into the incidence and causes of crime in Iowa, in co-operation  
 10 with state, area, city and county agencies; and develop a statewide  
 11 program of interagency co-operation, in association with federal  
 12 agencies and officials, and those of other states concerned with the  
 13 problems of crime and based thereupon may make recommendations  
 14 to the governor, general assembly, and state agencies to carry out the  
 15 policy and purposes of this chapter. The commission in co-operation  
 16 with town, city, county and area agencies, and in conformity with  
 17 such guidelines as may be promulgated by federal agencies, shall  
 18 direct research, planning and action programs in furtherance of the  
 19 policy and purpose of this chapter.

1     SEC. 3. Section eighty C point six (80C.6), Code 1971, is amended  
 2 as follows:

3     **80C.6 Commission membership.** The commission shall consist of  
 4 [thirty-one] *thirty-two* members as follows:

5     1. Ten members shall be officials of town, cities or counties, ap-  
 6 pointed by the governor.

7     2. [Ten] *Eleven* members concerned with and knowledgeable about  
 8 the problems of criminal justice, appointed by the governor.

9     3. Ten officials of the state, as follows:

10     a. The attorney general.

11     b. The commissioner of public safety.

12     c. The director of the division of criminal investigation and bureau  
 13 of identification.

14     d. The director of the Iowa law-enforcement academy.

15     e. The director of the adult corrections services of the department  
 16 of social services.

17     f. *The chief of the Iowa highway safety patrol.*

18     The governor shall also appoint one state senator, one state repre-  
 19 sentative, a member of the board of parole, and a supreme court jus-  
 20 tice[, and an official of the state juvenile home].

21     4. The governor shall appoint an executive director of the commis-  
 22 sion who shall be his official representative, and who shall be the  
 23 principal executive administrator of the commission and shall also be  
 24 a member of the commission.

25     All commissioners designated by the governor shall serve at the  
 26 governor's pleasure.

Approved May 20, 1971.

## CHAPTER 108

## WORKMEN'S COMPENSATION

S. F. 474

AN ACT relating to disabled and retired policemen and firemen, disabled inmates, and disabled elected and appointed officials.

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

1 SECTION 1. Section eighty-five point one (85.1), Code 1971, is  
2 amended by adding the following new subsection:

3 "6. Persons entitled to benefits pursuant to chapter four hundred  
4 eleven (411) of the Code."

1 SEC. 2. Section eighty-five point two (85.2), Code 1971, is  
2 amended as follows:

3 **85.2 Compulsory when.** Where the state, county, municipal cor-  
4 poration, school corporation, county board of education, or city under  
5 any form of government is the employer, the provisions of this chap-  
6 ter for the payment of compensation and amount thereof for an in-  
7 jury sustained by an employee of such employer shall be exclusive,  
8 compulsory, and obligatory upon both employer and employee, ex-  
9 cept as otherwise provided in section 85.1. *For the purposes of this*  
10 *chapter elected and appointed officials shall be employees.*

1 SEC. 3. Section four hundred ten point one (410.1), Code 1971,  
2 is amended by adding the following new paragraph:

3 "The provisions of this chapter shall not apply to policemen and  
4 firemen who entered employment after March 2, 1934."

1 SEC. 4. Any rights that may have accrued to any person pursuant  
2 to chapter four hundred ten (410) of the Code prior to the effective  
3 date of this Act shall be preserved. This section shall not be printed  
4 as a permanent part of the Code.

1 SEC. 5. Section eighty-five point sixty-two (85.62), Code 1971,  
2 is repealed.

1 SEC. 6. Chapter eighty-five (85), Code 1971, is amended by add-  
2 ing the following new section:

3 "The county board of supervisors of any county may elect to in-  
4 clude as an employee for purposes of this chapter any person confined  
5 as an inmate in a county jail or confined in any other facility in lieu  
6 of confinement in a county jail. If such election is made, the provi-  
7 sions of subsection five (5) of section eighty-five point one (85.1) of  
8 the Code shall apply to such county. If an inmate in the performance  
9 of his work in connection with the maintenance of a county jail or  
10 other local facility, or in connection with any industry maintained  
11 therein, or with any highway or public works activity outside a coun-  
12 ty jail or other local facility sustains an injury arising out of and in  
13 the course thereof, he shall, be awarded and paid compensation at  
14 the minimum rate as provided in this chapter. If death results from  
15 such injury, death benefits shall be awarded and paid to the depend-  
16 ents of the inmate. If any such person is awarded weekly compen-  
17 sation under the provisions of this section and is still committed to

18 the county jail or other facility, his compensation benefits under sec-  
 19 tion 85.33 or subsection one (1) of section eighty-five point thirty-  
 20 four (85.34) shall be paid to the county for so long as he shall re-  
 21 main so committed. Weekly compensation benefits awarded pursu-  
 22 ant to subsection two (2) of section eighty-five point thirty-four  
 23 (85.34) shall be held in trust and paid to such person as provided in  
 24 this chapter upon his final discharge or parole, whichever occurs  
 25 first. In the event such person is recommitted to the county jail or  
 26 other facility prior to receiving, in full, his weekly benefits pursuant  
 27 to section 85.33 or subsection one (1) of section eighty-five point  
 28 thirty-four (85.34), such benefits shall again be paid to the county  
 29 for so long as he shall remain so recommitted. Also, weekly benefits  
 30 under subsection two (2) of section eighty-five point thirty-four  
 31 (85.34) shall be suspended and again held in trust until such person  
 32 is again released by final discharge or parole, whichever first occurs.  
 33 However, the industrial commissioner may, if he finds that depend-  
 34 ents of the person awarded weekly compensation pursuant to section  
 35 85.33 or subsections one (1) and two (2) of section eighty-five point  
 36 thirty-four (85.34) would require welfare aid as a result of terminat-  
 37 ing the compensation, order such weekly compensation to be paid to  
 38 a responsible person for the use of his dependents."

Approved May 27, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 109

### VOCATIONAL TRAINING

S. F. 509

AN ACT relating to vocational training and apprenticeship programs.

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

1 SECTION 1. Section ninety-two point nine (92.9), unnumbered  
 2 paragraph one (1), Code 1971, is amended as follows:  
 3 **92.9 School training permitted.** The provisions of [section] *sec-*  
 4 *tions 92.8 and 92.10* shall not apply to pupils working under an in-  
 5 structor in a manual training department in the public schools of the  
 6 state or under an instructor in a school shop, or industrial plant, or  
 7 in a course of vocational education, or to apprentices provided they  
 8 are employed under all of the following conditions:.

Approved June 14, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 110

## AGRICULTURAL WORK BY MINORS

H. F. 473

AN ACT relating to part-time work in agriculture by minors.

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

1 SECTION 1. Section ninety-two point seventeen (92.17), subsec-  
2 tion three (3), Code 1971, is amended as follows:

3 3 [Part-time] *Work in the production of seed, limited to removal*  
4 *of off-type plants, corn tassels and hand-pollinating during the months*  
5 *of June, July and August by persons 14 years of age or over, and part-*  
6 *time work in agriculture, not including migratory labor.*

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 Knox-  
3 ville Express, a newspaper published in Knoxville, Iowa, and in The  
4 Record-Herald and Indianola Tribune, a newspaper published in In-  
5 dianola, Iowa.

Approved May 17, 1971.

I hereby certify that the foregoing Act, House File 473, was published in The Knox-ville Express, Knoxville, Iowa, May 27, 1971, and in The Record-Herald and Indianola Tribune, Indianola, Iowa, May 24, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 111

## COMMITTEE ON CHILD LABOR

H. F. 63

AN ACT to provide compensation for the public representatives serving on the committee on child labor.

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

1 SECTION 1. Section ninety-two point twenty-one (92.21), Code  
2 1971, is amended as follows:

3 92.21 **Committee on child labor.** There is hereby established a  
4 committee on child labor. The committee shall consist of the labor  
5 commissioner who shall act as chairman, the superintendent of public  
6 instruction or his designee, a representative of the Iowa employment  
7 security commission selected by the commission, and two persons  
8 representing the public and interested in child labor, to be appointed  
9 by the governor, without regard to political affiliation. The public  
10 representatives shall serve for a term of four years from July 1, 1970,  
11 and until their successors are appointed and qualify. The governor  
12 shall fill any public member's vacancy for any unexpired term. Public  
13 members shall receive [compensation for service on this committee  
14 as shall be provided by the general assembly] *a per diem of thirty*

15 *dollars and actual and necessary expenses incurred in the performance*  
 16 *of their official duties.*

17 The committee shall adopt rules and procedure for its meetings and  
 18 activities.

19 It shall be the duty of the committee to hold public hearings, to  
 20 formulate rules more specifically defining the occupations and equip-  
 21 ment permitted or prohibited herein, to determine occupations for  
 22 which work permits shall be required, and to issue general and special  
 23 orders prohibiting or allowing the employment of persons under  
 24 eighteen years of age in any place of employment hazardous to the  
 25 health, safety, and welfare of such persons as defined in this chapter.

Approved June 14, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 112

### DISTRESS FLAGS FOR HANDICAPPED

H. F. 268

AN ACT relating to the issuance and use of distress flags by handicapped persons and providing penalties for violations thereof.

*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. "Handicapped or paraplegic person" means:  
 4 a. Any person who has impairments that, for all practical purposes,  
 5 confines him to a wheelchair.

6 b. Any person who has impairments that cause him to walk with  
 7 difficulty and insecurity including, but not limited to, a person using  
 8 braces or crutches, amputees, arthritics, spastics, and any person with  
 9 a pulmonary or cardiac problem who is semi-ambulatory.

10 2. "Distress flag" means a white flag made of reflective material,  
 11 seven and one-half inches in width and thirteen inches in length,  
 12 with an irregular one-half inch red border and a red letter "H" cen-  
 13 tered thereon, approved and issued by the commissioner of public  
 14 safety.

1 SEC. 2. A person whose motor vehicle is disabled, may use or  
 2 display a distress flag as a distress signal if he qualifies as a handi-  
 3 capped or paraplegic person and has been issued a permit and a dis-  
 4 tress flag as provided in section three (3) of this Act.

1 SEC. 3. Any person desiring a distress flag for use as provided in  
 2 section two (2) of this Act shall apply to the department of public  
 3 safety, upon an application form furnished by the department, pro-  
 4 viding his name, address, date of birth, a physician's signature attest-  
 5 ing to the disability and information on the type of physical apparatus  
 6 needed to operate a motor vehicle, if any, and information relating to  
 7 his handicap required by the commissioner of public safety. Upon  
 8 determination by the commissioner that the applicant qualifies as a  
 9 handicapped or paraplegic person as defined in section one (1) of this  
 10 Act and the payment of a fee, the commissioner shall issue the appli-

11 cant a permit to use a distress flag. The commissioner shall determine  
 12 the fee for the distress flag except that the fee shall not exceed the  
 13 cost of the flag to the department. Each distress flag shall be num-  
 14 bered and in the event of its loss or destruction, the commissioner  
 15 may issue a duplicate upon payment of the fee. The commissioner  
 16 shall maintain a record of all applicants and those qualified applicants  
 17 receiving permits and distress flags.

1 SEC. 4. If a person who has been issued a permit and distress flag  
 2 under this Act becomes disqualified as a handicapped or paraplegic  
 3 person, he shall return the permit and the distress flag to the depart-  
 4 ment.

1 SEC. 5. Any person who is not qualified as a handicapped or para-  
 2 plegic person and uses a distress flag as provided in this Act or for  
 3 any other purpose is guilty of a misdemeanor and punishable by a  
 4 fine of not more than one hundred dollars or thirty days in jail.

Approved June 14, 1971.

## CHAPTER 113

### FEDERAL-STATE UNEMPLOYMENT PROGRAM

H. F. 704

AN ACT to extend and improve the federal-state unemployment compensation pro-  
 gram.

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

1 SECTION 1. Section ninety-six point three (96.3), subsection four  
 2 (4), unnumbered paragraph one (1), Code 1971, is amended as fol-  
 3 lows:

4 An individual's weekly benefit amount shall be an amount equal  
 5 to one [twenty-second] *twentieth* of his total wages in insured work  
 6 paid during that quarter of his base period in which such total wages  
 7 were highest, subject to the following limitation: The commission  
 8 shall determine annually a maximum weekly benefit amount by  
 9 computing fifty percent of the average weekly wage paid to em-  
 10 ployees in insured work which shall be effective the first day of the  
 11 first full week in July. *Beginning with the first full week in July of*  
 12 *1973, and each year thereafter the maximum weekly benefit amount*  
 13 *shall be determined by computing fifty-five percent of the average*  
 14 *weekly wage paid to employees in insured work.* Such maximum  
 15 weekly benefit amount, if not a multiple of one dollar shall be  
 16 rounded to the nearest multiple of one dollar.

1 SEC. 2. Section ninety-six point three (96.3), Code 1971, is  
 2 amended by striking subsection seven (7).

1 SEC. 3. Section ninety-six point four (96.4), Code 1971, is  
 2 amended by adding the following subsections:

3 1. "Benefits based on service in employment, defined in section  
 4 ninety-six point nineteen (96.19), subsection seven (7), of the Code,  
 5 shall be payable in the same amount, on the same terms and subject  
 6 to the same conditions as compensation payable on the basis of other  
 7 service subject to this chapter; except that benefits based on serv-  
 8 ice in an instructional, research, or principal administrative capacity

9 in an institution of higher education shall not be paid to an individ-  
10 ual for any week of unemployment which begins during the period  
11 between two successive academic years or during a similar period  
12 between two regular terms, whether or not successive, or during a  
13 period of paid sabbatical leave provided for in the individual's con-  
14 tract if the individual has a contract or contracts to perform serv-  
15 ices in any such capacity for any institution or institutions of higher  
16 education for both such academic years or both such terms."

17 2. "Notwithstanding any other provisions in this subsection, no  
18 otherwise eligible individual shall be denied benefits for any week  
19 because he is in training with the approval of the commission, nor  
20 shall such individual be denied benefits with respect to any week in  
21 which he is in training with the approval of the commission by rea-  
22 son of the application of the provision in subsection three (3) of this  
23 section relating to availability for work, and an active search for  
24 work or the provision of subsection three (3) of this section relating  
25 to failure to apply for or a refusal to accept suitable work."

1 SEC. 4. Section ninety-six point five (96.5), subsection one (1),  
2 paragraph "b", Code 1971, is amended as follows:

3 b. He has been laid off from his regular employment and has  
4 sought temporary employment, and has notified his temporary em-  
5 ployer that he expected to return to his regular job when it became  
6 available, and the temporary employer employed him under these  
7 conditions, and the worker did return to his regular employment  
8 with his regular employer as soon as it was available[, provided,  
9 however, if such temporary employment proves to be unsuitable, (if  
10 so found by the commission), he shall forfeit only the credits he  
11 may have earned in said unsuitable employment].

12 Section ninety-six point five (96.5), subsection one (1), Code 1971,  
13 is further amended by striking paragraph "a" and inserting in lieu  
14 thereof the following:

15 a. He left his employment in good faith for the sole purpose of  
16 accepting better employment, which he did accept, and that he re-  
17 mained continuously in said new employment for not less than six  
18 weeks. Wages earned with the employer that he has left shall, for  
19 the purpose of computing and charging benefits, be deemed wages  
20 earned from the employer with whom the individual accepted better  
21 employment and benefits shall be charged to the employer with whom  
22 he accepted better employment. The commission shall advise the  
23 chargeable employer of the name and address of the other em-  
24 ployer, the period covered, and the extent of benefits which may be  
25 charged to the account of the chargeable employer. In those cases  
26 where the new employment is in another state, no employer's account  
27 shall be charged with benefits so paid except that employers who are  
28 required by law or by their election to reimburse the fund for bene-  
29 fits paid shall be charged with benefits under this paragraph.

1 SEC. 5. Section ninety-six point five (96.5), subsection one (1),  
2 Code 1971, is amended by striking paragraph "g" and inserting in  
3 lieu thereof the following:

4 g. In the case where he left his work voluntarily without good  
5 cause attributable to his employer under circumstances which did  
6 or would disqualify him for benefits, under this subsection he, subse-



7 quent to such leaving, worked in and was paid wages for insured  
 8 work in an amount not less than nine times the claimant's weekly  
 9 benefit amount, provided he is otherwise eligible, but in the event  
 10 extended benefits are in effect as provided for by this chapter, then  
 11 benefits shall not be withheld after twelve consecutive weeks of unem-  
 12 ployment from the date he quits, during which time he shall be  
 13 actively and earnestly seeking employment.

1 SEC. 6. Section ninety-six point six (96.6), Code 1971, is amended  
 2 by striking subsection two (2) and inserting in lieu thereof the fol-  
 3 lowing:

4 **2. Initial determination.** A representative designated by the com-  
 5 mission shall promptly notify all interested parties to the claim of  
 6 the filing thereof, and said parties shall have seven days from the date  
 7 of mailing the notice of the filing of said claim by ordinary mail to  
 8 the last known address to protest payment of benefits to said claim-  
 9 ant. The representative shall promptly examine the claim and any  
 10 protest thereto and, on the basis of the facts found by him, shall  
 11 either determine whether or not such claim is valid, the week with  
 12 respect to which benefits shall commence, the weekly benefit amount  
 13 payable and the maximum duration thereof, and whether any dis-  
 14 qualification shall be imposed, or shall refer such claim or any ques-  
 15 tion involved therein to an appeal tribunal or to the commission,  
 16 which shall make its determination with respect thereto in accord-  
 17 ance with the procedure described in subsection three (3) of this  
 18 section, except that in any case in which the payment or denial of  
 19 benefits will be determined by the provisions of section ninety-six  
 20 point five (96.5), subsection four (4), of the Code, the representa-  
 21 tive shall promptly transmit his full findings of fact with respect to  
 22 that subsection to the commission, which, on the basis of the evi-  
 23 dence submitted and such additional evidence as it may require, shall  
 24 affirm, modify, or set aside such findings of fact and transmit to the  
 25 representative a decision upon the issues involved under that subsec-  
 26 tion. The representative shall promptly notify the claimant and any  
 27 other interested party of the decision and the reasons therefor. Un-  
 28 less the claimant or other interested party, within five calendar days  
 29 after the delivery of such notification, or within seven calendar days  
 30 after such notification was mailed to his last-known address, files an  
 31 appeal from such decision, such decision shall be final and benefits  
 32 shall be paid or denied in accordance therewith. If an appeal tri-  
 33 bunal affirms a decision of the representative, or the commission  
 34 affirms a decision of an appeal tribunal, allowing benefits, such bene-  
 35 fits shall be paid regardless of any appeal which may thereafter be  
 36 taken, but if such decision is finally reversed, no employer's account  
 37 shall be charged with benefits so paid.

1 SEC. 7. Section ninety-six point seven (96.7), subsection three  
 2 (3), paragraph "a", subparagraph two (2), Code 1971, is amended  
 3 as follows:

4 (2) [Benefits] *The amount of regular benefits plus fifty percent*  
 5 *of the amount of extended benefits, as determined under section 33*  
 6 *of this Act paid to an eligible individual shall be charged against the*  
 7 *account of the employers in the base period in the inverse chrono-*  
 8 *logical order in which the employment of such individual occurred.*

9 Provided, that in any case in which a claimant to whom such bene-  
10 fits are paid is in the employ of a base period employer at the time  
11 he is receiving such benefits, and he is receiving the same employ-  
12 ment from such employer that he received during his base period,  
13 then no charge of benefits paid to such claimant shall be made  
14 against the account of such employer.

1 SEC. 8. Section ninety-six point seven (96.7), subsection three  
2 (3), paragraph "a", subparagraph three (3), Code 1971, is amended  
3 as follows:

4 (3) The amount of *regular* benefits so charged in any calendar  
5 quarter against the account of any employer shall not exceed the  
6 amount of such individual's wage credits based on employment with  
7 such employer during such quarter. *The amount of extended bene-*  
8 *fits so charged in any calendar quarter against the account of any*  
9 *employer shall not exceed an additional fifty percent of the amount*  
10 *of such individual's wage credits based on employment with such*  
11 *employer during such quarter.*

1 SEC. 9. Section ninety-six point seven (96.7), subsection three  
2 (3), paragraph "b", Code 1971, is amended by inserting after un-  
3 numbered paragraph one (1), the following:

4 "In any case in which a clearly segregable and identifiable part  
5 of an enterprise or business for which contributions have been paid  
6 has been sold or otherwise transferred to a subsequent employing  
7 unit, and such successor employing unit having qualified as an 'em-  
8 ployer' as defined under section ninety-six point nineteen (96.19),  
9 subsection six (6), paragraph 'b', of this chapter continues to oper-  
10 ate such enterprise or business, such successor shall assume the posi-  
11 tion of the predecessor employer with respect to such predecessor's  
12 payrolls, contributions, accounts and contribution rates which are  
13 attributable to the part of the enterprise or business transferred to  
14 the same extent as if there has been no change in the ownership or  
15 control of such enterprise or business.

16 The contribution rate to be assigned to the acquiring employer  
17 for the period beginning not earlier than the date of the transfer  
18 and ending not later than the next following effective date of con-  
19 tribution rates, shall be the contribution rate applicable to the trans-  
20 ferring employer with respect to the period immediately preceding  
21 the date of the transfer, provided that the acquiring employer was  
22 not, prior to the transfer, a subject employer, and only one trans-  
23 ferring employer, or only transferring employers having identical  
24 rates, are involved; or a newly computed rate based on the expe-  
25 rience of the transferring employer attributable to the part of the  
26 business transferred to the acquiring employer combined with the  
27 experience of the acquiring employer as of the last computation date.

28 The contribution rate to be assigned to the acquiring employer for  
29 the next following regular rate year, is a contribution rate based on  
30 the experience of the acquiring employer and only so much of the  
31 experience of the transferring employer as is attributable to the part  
32 of the business transferred.

33 Provided, however, that application for such transfer of partial  
34 record is made within sixty days from the date of transfer and meets  
35 the approval of the predecessor and the commission, and provided

36 further that such partial record shall include sufficient information  
 37 for the proper administration of this chapter with respect to pay-  
 38 ment of unemployment benefits and computation of future rates  
 39 based on benefit experience."

1 SEC. 10. Section ninety-six point seven (96.7), subsection three  
 2 (3), Code 1971, is amended by striking paragraph "c" and inserting  
 3 in lieu thereof the following:

4 c. Each contributing employer's rate of contribution shall be two  
 5 and seven-tenths percent except as otherwise provided in this chap-  
 6 ter. No reduced rate of contribution shall be granted to a contrib-  
 7 uting employer until there shall have been twelve consecutive calend-  
 8 ar quarters immediately preceding the computation date through-  
 9 out which his account has been chargeable with benefit payments.  
 10 Provided, that with respect to the calendar year commencing Janu-  
 11 ary 1, 1972 and each calendar year thereafter, except as provided in  
 12 paragraphs "d" and "e" of this subsection, a contributing employer  
 13 who has not been subject to this chapter for a sufficient period of  
 14 time to meet the twelve-quarter requirement shall qualify for a com-  
 15 puted rate of contribution if there shall have been a lesser period  
 16 throughout which his account has been chargeable, but in no event  
 17 less than eight consecutive calendar quarters immediately preced-  
 18 ing the computation date; provided further, that with respect to  
 19 the calendar year commencing January 1, 1972 and each calendar  
 20 year thereafter, except as provided in paragraphs "d" and "e" of  
 21 this subsection, each contributing employer newly subject to this  
 22 chapter shall pay contributions at the rate of one and five-tenths  
 23 percent until the end of the calendar year in which the employer  
 24 shall have had eight consecutive calendar quarters immediately preced-  
 25 ing the computation date throughout which his account has been  
 26 chargeable with benefit payments, thereafter his contribution rate  
 27 shall be determined in accordance with paragraphs "d" and "e" of  
 28 this subsection.

1 SEC. 11. Section ninety-six point seven (96.7), subsection three  
 2 (3), paragraph "d", Code 1971, is amended by striking the para-  
 3 graph and inserting in lieu thereof the following:

4 d. The commission shall determine the rate table to be in effect  
 5 for the calendar year following the rate computation date for such  
 6 year, by determining the ratio of the current reserve fund ratio to  
 7 the minimum adequate reserve fund ratio as of the rate computa-  
 8 tion date.

9 (1) The current reserve fund ratio shall be computed by dividing  
 10 the total trust funds available for payment of benefits, on the com-  
 11 putation date, by the total wages paid in covered employment during  
 12 the four calendar quarters ending the June thirtieth immediately  
 13 preceding the computation date.

14 (2) The minimum adequate reserve fund ratio shall be computed  
 15 by multiplying the highest benefit cost rate by one point five.

16 (3) The highest benefit cost rate shall be the highest of the re-  
 17 sulting ratios computed by dividing the total benefit payments during  
 18 each consecutive twelve-month period, during the fifteen-year period  
 19 ending on the computation date, by the total wages paid in the four  
 20 calendar quarters ending nearest and prior to the last day of such  
 21 twelve-month period.

22 If the current reserve fund ratio, divided by the minimum ade-  
 23 quate reserve fund ratio:

24	Equals or exceeds	But is less than	The table in effect shall be
26	—	1.5	1
27	1.5	2.0	2
28	2.0	2.5	3
29	2.5	3.0	4
30	3.0	—	5

31 Each employer's rate for each calendar year after December 31,  
 32 1971, shall be determined on the basis of his record and the record  
 33 of the predecessor owner of such enterprise, if any, up to the com-  
 34 putation date for such year. If, on the computation date, the total  
 35 of all contributions paid to an employer's account for all past periods  
 36 to and including those for the quarter ending September thirtieth  
 37 immediately preceding the computation date exceeds the total bene-  
 38 fits charged to such account for all past periods to and including  
 39 those for the quarter ending September thirtieth immediately pre-  
 40 ceeding the computation date, such employer's contribution rate  
 41 subject to the adjustment hereinafter provided, shall be fixed in  
 42 accordance with the following effective table. Percentage of excess  
 43 in said table means the percentage resulting from dividing the excess  
 44 of contributions paid over benefits charged by the employer's aver-  
 45 age annual payroll.

46 Contri- If the percentage of excess is:  
 47 bution  
 48 Rates Table Table Table Table Table  
 49 Shall Be  
 50 % 1 2 3 4 5

51	2.7	0.0—2.2	0.0—1.9	0.0—1.6	0.0—1.3	0.0—1.0
52	2.5	2.2—2.4	1.9—2.1	1.6—1.7	1.3—1.4	1.0—1.1
53	2.3	2.4—2.6	2.1—2.3	1.7—1.8	1.4—1.5	1.1—1.2
54	2.1	2.6—2.8	2.3—2.5	1.8—1.9	1.5—1.6	1.2—1.3
55	1.9	2.8—3.0	2.5—2.7	1.9—2.0	1.6—1.7	1.3—1.4
56	1.7	3.0—3.2	2.7—2.9	2.0—2.2	1.7—1.8	1.4—1.5
57	1.5	3.2—3.4	2.9—3.1	2.2—2.4	1.8—1.9	1.5—1.6
58	1.3	3.4—3.6	3.1—3.3	2.4—2.6	1.9—2.0	1.6—1.7
59	1.1	3.6—3.9	3.3—3.5	2.6—2.8	2.0—2.2	1.7—1.8
60	0.9	3.9—4.3	3.5—3.7	2.8—3.1	2.2—2.4	1.8—1.9
61	0.7	4.3—4.8	3.7—4.1	3.1—3.6	2.4—2.7	1.9—2.0
62	0.5	4.8—5.5	4.1—4.7	3.6—4.4	2.7—3.2	2.0—2.2
63	0.3	5.5—6.4	4.7—5.7	4.4—5.5	3.2—4.7	2.2—2.5
64	0.2					2.5—2.9
65	0.1	6.4—7.5	5.7—7.2	5.5—7.0	4.7—6.7	2.9—3.4
66	0.075					3.4—4.1
67	0.050					4.1—5.1
68	0.025					5.1—6.5
69	0.0	7.5 & over	7.2 & over	7.0 & over	6.7 & over	6.5 & over

70 If, on the computation date, the total of all benefits paid from an  
 71 employer's account for all past periods to and including those for the  
 72 quarter ending September thirtieth immediately preceding the com-

73 putation date, exceeds the total contributions paid to such account  
 74 for all past periods to and including those for the quarter ending  
 75 September thirtieth immediately preceding the computation date,  
 76 such employer's contribution rate shall be:

77 Contribution

78 Rate	Percentage of Excess Is
79 4.0%	0.5% or more
80 3.5%	0.1% but less than 0.5%
81 3.0%	0.0% but less than 0.1%

82 Provided, that the maximum contribution rate of any employer  
 83 for the calendar year 1966 shall not be more than three percent, and  
 84 for the calendar year 1967 shall not be more than three and five-  
 85 tenths percent. Provided, however, that notwithstanding any other  
 86 provision of this chapter, any employer which employs individuals  
 87 in the construction, erection, demolition, alteration or repair of roads  
 88 and highways, or of bridges, buildings, factories, residences, earth-  
 89 work, grading, river work, or any other construction project, and  
 90 who has not qualified for an experience rating shall pay three per-  
 91 cent in the calendar year 1966, three and five-tenths percent in the  
 92 calendar year 1967, and four point zero percent in the calendar year  
 93 1968 and every calendar year thereafter until such time as he has  
 94 qualified for an experience rating entitling said employer to a lesser  
 95 rate of contribution. Except that such employer shall not qualify  
 96 for a lesser rate of contribution until there shall have been twelve  
 97 consecutive calendar quarters immediately preceding the computa-  
 98 tion date throughout which his account has been chargeable with  
 99 benefit payments. Provided further, that in no event shall any  
 100 employer's contribution rate be more than two and seven-tenths  
 101 percent of the first ten thousand dollars of wages for insured work  
 102 paid during any calendar quarter.

103 On or before the fifth day of December of each calendar year,  
 104 beginning in 1971, the commission shall make available to employers  
 105 the table which will apply to the contribution rates in the following  
 106 calendar year.

1 SEC. 12. Section ninety-six point seven (96.7), subsection seven  
 2 (7), unnumbered paragraph one (1), Code 1971, is amended as  
 3 follows:

4 If the commission believes that the assessment or collection of  
 5 contributions payable *or benefits reimbursable* will be jeopardized  
 6 by delay, the commission may immediately make an assessment of  
 7 the estimated amount of contributions due *or benefits reimbursable*,  
 8 together with all interest *and penalty* thereon as provided by this  
 9 chapter, and demand payment thereof from the employer. If such  
 10 payment is not made, a distress warrant may be issued or a lien  
 11 filed against such employer immediately.

1 SEC. 13. Section ninety-six point seven (96.7), Code 1971, is  
 2 amended by adding the following new subsections:

3 "8. **Financing benefits paid to state employees.** Any state agency,  
 4 board, commission, department, or instrumentality thereof, other  
 5 than state-owned hospitals and institutions of higher education,  
 6 which, pursuant to section ninety-six point nineteen (96.19), sub-  
 7 section six (6), paragraph 'h', of the Code, provided for in section

8 twenty-two (22) of this Act, is, or becomes, subject to this Act on  
9 or after January 1, 1972, shall pay to the commission for the unem-  
10 ployment fund an amount equal to the amount of regular benefits  
11 and of one-half of the extended benefits paid, that is attributable  
12 to service in the employ of such state agency, board, commission,  
13 department, or instrumentality thereof. Such payments shall be  
14 made in accordance with the provisions of section ninety-six point  
15 seven (96.7), subsection nine (9), paragraph 'b', of the Code, pro-  
16 vided for in this section.

17 **9. Financing benefits paid to employees of nonprofit organizations.**  
18 Benefits paid to employees of nonprofit organizations or of any state-  
19 owned hospital or institution of higher education shall be financed  
20 in accordance with the provisions of this subsection. For the pur-  
21 pose of this subsection and section ninety-six point nineteen (96.19)  
22 of the Code, a nonprofit organization is an organization described  
23 in the U. S. Internal Revenue Code, 26 U.S.C. 501 (c) (3), which is  
24 exempt from income tax under 26 U.S.C. 501 (a) of such Code.

25 a. Any state-owned hospital or institution of higher education,  
26 which, pursuant to section ninety-six point nineteen (96.19), sub-  
27 section six (6), paragraph 'h', of the Code, provided for in section  
28 twenty-two (22) of this Act, or any nonprofit organization which,  
29 pursuant to section ninety-six point nineteen (96.19), subsection six  
30 (6), paragraph 'i', of the Code, provided for in section twenty-two  
31 (22) of this Act, is, or becomes, subject to this Act on or after Jan-  
32 uary 1, 1972, shall pay contributions under the provisions of sub-  
33 sections one (1), two (2), and three (3) of this section, unless it  
34 elects, in accordance with this paragraph, to pay to the commission  
35 for the unemployment fund an amount equal to the amount of regu-  
36 lar benefits and of one-half of the extended benefits paid, that is  
37 attributable to service in the employ of such nonprofit organization,  
38 to individuals for weeks of unemployment which begin during the  
39 effective period of such election.

40 (1) Any nonprofit organization or any state-owned hospital or  
41 institution of higher education which is, or becomes, subject to this  
42 Act on January 1, 1972, may elect to become liable for payments in  
43 lieu of contributions for a period of not less than two calendar  
44 years commencing January 1, 1972, provided it files with the com-  
45 mission a written notice of its election within the thirty-day period  
46 immediately following such date or within a like period immediately  
47 following the effective date of this Act, whichever occurs later.

48 (2) Any nonprofit organization or any state-owned hospital or  
49 institution of higher education, which becomes subject to this Act  
50 after January 1, 1972, may elect to become liable for payments in  
51 lieu of contributions for a period of not less than two calendar  
52 years following the date on which such subjectivity begins by filing  
53 a written notice of its election with the commission not later than  
54 thirty days immediately following the date of the determination of  
55 such subjectivity.

56 (3) Any nonprofit organization or any state-owned hospital or  
57 institution of higher education, which makes an election in accord-  
58 ance with subparagraphs one (1) or two (2) of this paragraph shall  
59 continue to be liable for payments in lieu of contributions until it  
60 files with the commission a written notice terminating its election

61 not later than thirty days prior to the beginning of the taxable year  
62 for which such termination shall first be effective.

63 (4) Any nonprofit organization or any state-owned hospital or  
64 institution of higher education, which has been paying contributions  
65 under this Act for a period on or after January 1, 1972, may change  
66 to a reimbursable basis by filing with the commission not later than  
67 thirty days prior to the beginning of any taxable year a written  
68 notice of election to become liable for payments in lieu of contribu-  
69 tions. Such election shall not be terminable by the organization for  
70 that and the next year.

71 (5) The commission may for good cause extend the period within  
72 which a notice of election, or a notice of termination, must be filed  
73 and may permit an election to be retroactive but not any earlier  
74 than with respect to benefits paid after December 31, 1969.

75 (6) The commission, in accordance with such regulations as it  
76 may prescribe, shall notify each nonprofit organization of any  
77 determination which it may make of its status as an employer and  
78 of the effective date of any election which it makes and of any  
79 termination of such election. Such determinations shall be subject  
80 to reconsideration, appeal and review in accordance with the provi-  
81 sions of subsections five (5) and six (6) of this section.

82 b. Payments in lieu of contributions shall be made in accordance  
83 with the following:

84 (1) At the end of each calendar quarter, or at the end of any  
85 other period as determined by the commission, the commission shall  
86 bill each nonprofit organization which has elected to make payments  
87 in lieu of contributions for an amount equal to the full amount of  
88 regular benefits plus one-half of the amount of extended benefits  
89 paid during such quarter or other prescribed period that is attrib-  
90 utable to service in the employ of such organization.

91 (2) Payment of any bill rendered shall be made not later than  
92 thirty days after such bill was mailed to the last known address of  
93 the nonprofit organization or was otherwise delivered to it, unless  
94 there has been an application for review and redetermination in  
95 accordance with subparagraph four (4) of this paragraph.

96 (3) Payments made by any nonprofit organization under the  
97 provisions of this subsection shall not be deducted or deductible, in  
98 whole or in part, from the remuneration of individuals in the em-  
99 ploy of the organization.

100 (4) The amount due specified in any bill from the commission  
101 shall be conclusive on the organization unless, not later than fifteen  
102 days following the date the bill was mailed to its last known address  
103 or otherwise delivered to it, the organization files an application for  
104 redetermination by the commission setting forth the grounds for  
105 such application. The commission shall promptly review and re-  
106 consider the amount due specified in the bill and shall thereafter  
107 issue a redetermination in any case in which such application for  
108 redetermination has been filed. Any such redetermination shall be  
109 conclusive on the organization unless, not later than sixty days  
110 after the redetermination was mailed to its last known address or  
111 otherwise delivered to it, the organization files an appeal to the dis-  
112 trict court pursuant to subsection six (6) of this section.

113 (5) The provisions for collection of contributions under section

114 ninety-six point fourteen (96.14) of the Code shall be applicable to  
115 payments in lieu of contributions.

116 **10. Provision of bond or other security.** In the discretion of the  
117 commission, any nonprofit organization that elects to become liable  
118 for payments in lieu of contributions shall be required within thirty  
119 days after the effective date of its election to execute and file with  
120 the commission a surety bond approved by the commission or it may  
121 elect instead to deposit with the commission money or securities.  
122 The amount of such bond or deposit shall be determined in accord-  
123 ance with the provisions of this subsection.

124 a. The amount of the bond or deposit required by this subsection  
125 shall be equal to two and seven-tenths percent of the organization's  
126 total taxable wages paid for employment for the four calendar quar-  
127 ters immediately preceding the effective date of the election, the  
128 renewal date in the case of a bond, or the biennial anniversary of the  
129 effective date of election in the case of a deposit of money or securi-  
130 ties, whichever date shall be most recent and applicable. If the non-  
131 profit organization did not pay wages in each of such four calendar  
132 quarters, the amount of the bond or deposit shall be as determined  
133 by the commission.

134 b. Any bond deposited under this subsection shall be in force for  
135 a period of not less than two taxable years and shall be renewed  
136 with the approval of the commission, at such times as the commis-  
137 sion may prescribe, but not less frequently than at two-year intervals  
138 as long as the organization continues to be liable for payments in  
139 lieu of contributions. The commission shall require adjustments to  
140 be made in a previously filed bond as it deems appropriate. If the  
141 bond is to be increased, the adjusted bond shall be filed by the or-  
142 ganization within thirty days of the date notice of the required ad-  
143 justment was mailed or otherwise delivered to it. Failure by any  
144 organization covered by such bond to pay the full amount of pay-  
145 ments in lieu of contributions when due, together with any appli-  
146 cable interest and penalties provided for in section ninety-six point  
147 fourteen (96.14) of the Code shall render the surety liable on said  
148 bond to the extent of the bond, as though the surety was such or-  
149 ganization.

150 c. Any deposit of money or securities in accordance with this  
151 subsection shall be retained by the commission in an escrow account  
152 until liability under the election is terminated, at which time it  
153 shall be returned to the organization, less any deductions as here-  
154 inafter provided. The commission may deduct from the money de-  
155 posited under this paragraph by a nonprofit organization or sell the  
156 securities it has so deposited to the extent necessary to satisfy any  
157 due and unpaid payments in lieu of contributions and any applicable  
158 interest and penalties provided for in section ninety-six point four-  
159 teen (96.14) of the Code. The commission shall require the organi-  
160 zation within thirty days following any deduction from a money  
161 deposit or sale of deposited securities under the provisions of this  
162 paragraph to deposit sufficient additional money or securities to  
163 make whole the organization's deposit at the prior level. Any  
164 cash remaining from the sale of such securities shall be a part of  
165 the organization's escrow account. The commission may, at any  
166 time, review the adequacy of the deposit made by any organization.



167 If, as a result of such review, it determines that an adjustment  
168 is necessary, it shall require the organization to make additional  
169 deposit within thirty days of written notice of its determination or  
170 shall return to it such portion of the deposit as it no longer consid-  
171 ers necessary, whichever action is appropriate. Disposition of income  
172 from securities held in escrow shall be governed by the applicable  
173 provisions of the Code.

174 **11. Authority to terminate elections.** If any nonprofit organiza-  
175 tion fails to file a bond or make a deposit, or to file a bond in an  
176 increased amount or to increase or make whole the amount of a pre-  
177 viously made deposit, the commission may terminate such organiza-  
178 tion's election to make payments in lieu of contributions and such  
179 termination shall continue for not less than the four-consecutive-  
180 calendar-quarter period beginning with the quarter in which such  
181 termination becomes effective; provided, that the commission may  
182 extend for good cause the applicable filing, deposit, or adjust-  
183 ment period by not more than thirty days.

184 **12. Allocation of benefit cost.** Each employer that is liable for  
185 payments in lieu of contributions shall pay to the commission for the  
186 fund the amount of regular benefits plus the amount of one-half of  
187 extended benefits paid during each quarter that are attributable to  
188 service in the employ of such employer. If benefits paid to an indi-  
189 vidual are based on wages paid by more than one employer and one or  
190 more of such employers are liable for payments in lieu of contribu-  
191 tions, the amount payable to the fund by each employer that is liable  
192 for such payment shall be payable each quarter by the base period  
193 employers in inverse chronological order in which the employment  
194 of such individual occurred. Provided, that the amount of any such  
195 employer's liability in any calendar quarter shall not exceed the  
196 amount of such individual's wage credits plus one-half the amount of  
197 extended benefits based on employment with such employer during  
198 such quarter of the base period.

199 **13. Group accounts.** Two or more employers that have become  
200 liable for payments in lieu of contributions, in accordance with the  
201 provisions of subsection nine (9), paragraph 'a', of this section or in  
202 accordance with section fifteen (15) of this Act, may file a joint  
203 application to the commission for the establishment of a group ac-  
204 count for the purpose of sharing the cost of benefits paid that are  
205 attributable to service in the employ of such employers. Each such  
206 application shall identify and authorize a group representative to  
207 act as the group's agent for the purposes of this subsection. Upon  
208 its approval of the application, the commission shall establish a  
209 group account for such employers effective as of the beginning of  
210 the calendar quarter in which it receives the application and shall  
211 notify the group's representative of the effective date of the ac-  
212 count. Such account shall remain in effect for not less than one year  
213 and thereafter until terminated at the discretion of the commission  
214 or upon application by the group. Upon establishment of the ac-  
215 count, each member of the group shall be liable for payments in  
216 lieu of contributions with respect to each calendar quarter in the  
217 amount that bears the same ratio to the total benefits paid in such  
218 quarter that are attributable to service performed in the employ of  
219 all members of the group as the total wages paid for service in em-

220 ployment by such member in such quarter bear to the total wages  
 221 paid during such quarter for service performed in the employ of all  
 222 members of the group. The commission shall prescribe such regu-  
 223 lations as it deems necessary with respect to applications for estab-  
 224 lishment, maintenance and termination of group accounts that are  
 225 authorized by this subsection, for addition of new members to, and  
 226 withdrawal of active members from, such accounts, and for the  
 227 determination of the amounts that are payable under this subsection  
 228 by members of the group and the time and manner of such pay-  
 229 ments.

230 14. Notwithstanding any provisions in subsection nine (9), of  
 231 this section, any nonprofit organization that prior to January 1,  
 232 1969, paid contributions required by this section of the Code, and,  
 233 pursuant to subsection nine (9) of this section, elects, within thirty  
 234 days after the effective date of this Act to make payments in lieu  
 235 of contributions, shall not be required to make any such payment  
 236 on account of any regular or extended benefits paid, on the basis  
 237 of wages paid by such organization to individuals for weeks of un-  
 238 employment which begin on or after the effective date of such elec-  
 239 tion until the total amount of such benefits equals the amount  
 240 of the positive balance in the experience rating account of such or-  
 241 ganization."

1 SEC. 14. Section ninety-six point eight (96.8), subsection two  
 2 (2), Code 1971, is amended as follows:

3 2. **Voluntary termination.** Except as otherwise provided in sub-  
 4 section 3 of this section, an employing unit shall cease to be an em-  
 5 ployer subject to this chapter, as of the first day of January of any  
 6 calendar year, if it files with the commission, prior to the fifteenth  
 7 day of February of such year, a written application for termination  
 8 of coverage, and the commission finds that [there was no twenty  
 9 different weeks within the preceding calendar year, within which  
 10 such employing unit employed four or more individuals in employ-  
 11 ment subject to this chapter. For the purpose of this subsection,  
 12 the two or more employing units mentioned in paragraph "b" or  
 13 "c" or "d" of section 96.19 subsection 6 shall be treated as a single  
 14 employing unit] *such employing unit did not meet any of the quali-*  
 15 *fying liability requirements as provided under section 96.19, subsec-*  
 16 *tion 6, paragraphs "a," "b," "c," "d," "e," "f," or "g," and section*  
 17 *96.19, subsection 6, paragraphs "h" or "i" provided for in section*  
 18 *twenty-two (22) of this Act, in the preceding calendar year.*

1 SEC. 15. Section ninety-six point eight (96.8), subsection three  
 2 (3), Code 1971, is amended by adding the following new paragraph:

3 c. Any political subdivision of this state may elect to cover under  
 4 this Act service performed by employees in all of the hospitals and  
 5 institutions of higher education operated by such political subdivi-  
 6 sion. Election is to be made by filing with the commission a notice  
 7 of such election at least thirty days prior to the effective date of such  
 8 election. The election may exclude any services described in section  
 9 ninety-six point nineteen (96.19), subsection seven (7), paragraph  
 10 "g", subparagraph seven (7) of the Code, provided for in section  
 11 twenty-seven (27) of this Act. Any political subdivision electing  
 12 coverage under this paragraph shall make payments in lieu of con-

13 tributions with respect to benefits attributable to such employment  
14 as provided with respect to nonprofit organizations in section ninety-  
15 six point seven (96.7), subsection nine (9), paragraph "b", of the  
16 Code, provided for in section thirteen (13) of this Act. The provi-  
17 sions in section ninety-six point four (96.4) of the Code, provided  
18 for in section three (3) of this Act, with respect to benefit rights  
19 based on service for state and nonprofit institutions of higher edu-  
20 cation shall be applicable also to service covered by an election under  
21 this section.

22 The amounts required to be paid in lieu of contributions by any  
23 political subdivision under this paragraph shall be billed and pay-  
24 ment made as provided in section ninety-six point seven (96.7),  
25 subsection nine (9), paragraph "b", of the Code, provided for in sec-  
26 tion thirteen (13) of this Act, with respect to similar payments by  
27 nonprofit organizations.

28 An election under this section may be terminated, by filing with  
29 the commission written notice not later than thirty days preceding  
30 the last day of the calendar year in which the termination is to be  
31 effective. Such termination becomes effective as of the first day  
32 of the next ensuing calendar year with respect to services performed  
33 after that date.

1 SEC. 16. Section ninety-six point eleven (96.11), subsection  
2 eleven (11), Code 1971, is amended by striking unnumbered para-  
3 graph one (1) and inserting in lieu thereof the following:

4 "In the administration of this chapter, the commission shall co-  
5 operate with the United States department of labor to the fullest  
6 extent consistent with the provisions of this chapter, and shall take  
7 such action, through the adoption of appropriate rules, regulations,  
8 administrative methods and standards, as may be necessary to secure  
9 to this state and its citizens all advantages available under the pro-  
10 visions of the Social Security Act that relates to unemployment  
11 compensation, the Federal Unemployment Tax Act, the Wagner-  
12 Peyser Act, and the Federal-State Extended Unemployment Com-  
13 pensation Act of 1970.

14 In the administration of the provisions of section thirty-three (33)  
15 of this Act which are enacted to conform with the requirements of  
16 the Federal-State Extended Unemployment Compensation Act of  
17 1970, the commission shall take such action as may be necessary to  
18 insure that the provisions are so interpreted and applied as to meet  
19 the requirements of such federal Act as interpreted by the United  
20 States department of labor, and to secure to this state the full re-  
21 imbursement of the federal share of extended benefits paid under  
22 this chapter that are reimbursable under the federal Act.

23 The commission shall make such reports, in such form and con-  
24 taining such information as the United States department of labor  
25 may from time to time require, and shall comply with such provi-  
26 sions as the United States department of labor may from time to  
27 time find necessary to assure the correctness and verification of  
28 such reports; and shall comply with the regulations prescribed by  
29 the United States department of labor governing the expenditures  
30 of such sums as may be allotted and paid to this state under title  
31 three (III) of the Social Security Act for the purpose of assisting  
32 in administration of this chapter."

1 SEC. 17. Section ninety-six point fourteen (96.14), subsection  
2 two (2), Code 1971, is amended by striking unnumbered paragraph  
3 three (3) and inserting in lieu thereof the following:

4 However, in the event an employer is not required to make a con-  
5 tribution, the penalties for failure to file a report when due, or an  
6 insufficient report when due, shall be an amount equal to two per-  
7 cent (2%) of the contributions which would have been required to  
8 be paid had the employer's rate been one percent (1%) of his tax-  
9 able payroll, for each month or part thereof for failure to file such  
10 report, provided that the total of such penalties shall not exceed ten  
11 percent (10%) of the contribution so determined. After December  
12 31, 1971, no penalty or penalties shall be less than ten dollars  
13 (\$10.00).

1 SEC. 18. Section ninety-six point nineteen (96.19), subsection  
2 one (1), Code 1971, is amended as follows:

3 1. "Annual payroll." The term "annual payroll" as used in sub-  
4 section 3 "d" of section 96.7 means the total amount of taxable wages  
5 paid by an employer for insured work during the period of four  
6 consecutive calendar quarters ending on September 30 of each year,  
7 and the term "average annual payroll" as used in said subsection  
8 means the average of the "annual payrolls" of an employer for the  
9 last three periods of four consecutive calendar quarters immediately  
10 preceding the computation date. *Except that for an employer who*  
11 *qualifies on any computation date for a computed rate on the basis*  
12 *of less than twelve consecutive calendar quarters of chargeability*  
13 *immediately preceding the computation date, the term average an-*  
14 *nuual payroll shall be the average of the annual payrolls for the*  
15 *last two periods of four consecutive calendar quarters immediately*  
16 *preceding the computation date.*

1 SEC. 19. Section ninety-six point nineteen (96.19), subsection  
2 six (6), Code 1971, is amended by striking paragraphs "a", "b",  
3 and "c" and inserting in lieu thereof the following:

4 a. For purposes of this chapter the term "employer" means with  
5 respect to any calendar year after December 31, 1971 any employ-  
6 ing unit which in any calendar quarter in either the current or pre-  
7 ceding calendar year paid for service in employment wages as defined  
8 in subsection thirteen (13) of this section of one thousand five hun-  
9 dred dollars or more, or for some portion of a day in each of twenty  
10 different calendar weeks, whether or not such weeks were consecu-  
11 tive, in either the current or the preceding calendar year, had in em-  
12 ployment at least one individual (irrespective of whether the same  
13 individual was in employment in each such day).

14 b. Any employing unit (whether or not an employing unit at the  
15 time of acquisition) which acquired the organization, trade, or busi-  
16 ness, or substantially all of the assets thereof, of another employing  
17 unit which at the time of such acquisition was an employer subject  
18 to this chapter, or which acquired a part of the organization, trade,  
19 or business of another employing unit which at the time of such  
20 acquisition was an employer subject to this chapter. Provided, that  
21 such other employing unit would have been an employer under para-  
22 graph "a" of this subsection, if such part had constituted its entire  
23 organization, trade, or business.

24 c. Any employing unit which acquired the organization, trade,  
25 or business, or substantially all the assets of another employing  
26 unit and which, if treated as a single unit with such other employ-  
27 ing unit, would be an employer under paragraph "a" of this sub-  
28 section.

1 SEC. 20. Section ninety-six point nineteen (96.19), subsection  
2 six (6), paragraph "e", Code 1971, is amended as follows:

3 e. Any employing unit which, having become an employer under  
4 paragraph "a", "b", "c" [or], "d", "f", "g", or "h" or "i" as provided  
5 for in section twenty-two (22) of this Act, has not, under section  
6 96.8, ceased to be an employer subject to this chapter.

1 SEC. 21. Section ninety-six point nineteen (96.19), subsection  
2 six (6), paragraph "g", Code 1971, is amended by striking unnum-  
3 bered paragraph one (1) and inserting in lieu thereof the following:

4 Any employing unit not an employer by reason of any other para-  
5 graph of this subsection for which, within either the current or  
6 preceding calendar year, service is or was performed with respect  
7 to which such employing unit is liable for any federal tax against  
8 which credit may be taken for contributions required to be paid  
9 into a state unemployment fund; or which, as a condition for ap-  
10 proval of this Act for full tax credit against the tax imposed by  
11 the Federal Unemployment Tax Act (26 U.S.C. 3301-3308), is re-  
12 quired, pursuant to such Act, to be an "employer" under this Act.

1 SEC. 22. Section ninety-six point nineteen (96.19), subsection  
2 six (6), Code 1971, is amended by adding the following new para-  
3 graphs:

4 h. Any employing unit for which service in employment as de-  
5 fined in subsection seven (7), paragraph "a", subparagraph four  
6 (4), of this section, provided for in section twenty-three (23) of  
7 this Act, is performed after December 31, 1971.

8 i. Any employing unit for which service in employment, as defined  
9 in subsection seven (7), paragraph "a", subparagraph five (5), of  
10 this section provided for in section twenty-three (23) of this Act,  
11 is performed after December 31, 1971.

12 j. For purposes of paragraphs "a" and "i", employment shall in-  
13 clude service which would constitute employment but for the fact  
14 that such service is deemed to be performed entirely within another  
15 state pursuant to an election under an arrangement entered into  
16 in accordance with subsection seven (7), paragraph "d" of this sec-  
17 tion, by the commission and an agency charged with the adminis-  
18 tration of any other state or federal unemployment compensation  
19 law.

20 k. For purposes of paragraphs "a" and "i" of this subsection, if  
21 any week includes both December thirty-first and January first, the  
22 days of that week up to January first shall be deemed one calendar  
23 week and the days beginning January first another such week.

1 SEC. 23. Section ninety-six point nineteen (96.19), subsection  
2 seven (7), Code 1971, is amended by striking paragraph "a" and  
3 inserting in lieu thereof the following:

4 a. Except as otherwise provided in this section "employment"  
5 means service, including service in interstate commerce, performed

6 for wages or under any contract of hire, written or oral, expressed  
7 or implied. Employment also means any service performed prior to  
8 January 1, 1972, which was employment as defined in this subsection  
9 prior to such date and, subject to the other provisions of this  
10 subsection, service performed after December 31, 1971, by:

11 (1) Any officer of a corporation, or

12 (2) Any individual who, under the usual common law rules appli-  
13 cable in determining the employer-employee relationship, has the  
14 status of an employee, or

15 (3) Any individual other than an individual who is an employee  
16 under subparagraphs one (1) or two (2) of this paragraph who  
17 performs services for remuneration for any person as an agent  
18 driver or commission driver engaged in distributing meat products,  
19 vegetable products, fruit products, bakery products, beverages (other  
20 than milk), or laundry or dry cleaning services for his principal; as  
21 a traveling or city salesman, other than as an agent driver or com-  
22 mission driver, engaged upon a full-time basis in the solicitation on  
23 behalf of, and the transmission to, his principal (except for sideline  
24 sales activities on behalf of some other person) of orders from whole-  
25 salers, retailers, contractors, or operators of hotels, restaurants, or  
26 other similar establishments for merchandise for resale or supplies  
27 for use in their business operations.

28 Provided, that for purposes of paragraph "a", subparagraph three  
29 (3) the term "employment" shall include services performed after  
30 December 31, 1971, only if:

31 (a) The contract of service contemplates that substantially all  
32 of the services are to be performed personally by such individual;

33 (b) The individual does not have a substantial investment in  
34 facilities used in connection with the performance of the services  
35 (other than in facilities for transportation); and

36 (c) The services are not in the nature of single transaction that  
37 is not part of a continuing relationship with the person for whom  
38 the services are performed.

39 (4) Service performed after December 31, 1971, by an individual  
40 in the employ of this state or any of its wholly owned instrumental-  
41 ities.

42 (5) Service performed after December 31, 1971, by an individual  
43 in the employ of a religious, charitable, educational or other organi-  
44 zation, but only if the service is excluded from "employment" as  
45 defined in the Federal Unemployment Tax Act (26 U.S.C. 3301-  
46 3308) solely by reason of section 3306 (c) (8) of that Act.

47 (6) For the purposes of subparagraphs four (4) and five (5), of  
48 this paragraph, the term "employment" does not apply to service  
49 performed:

50 (a) In the employ of a church or convention or association of  
51 churches, or an organization which is operated primarily for re-  
52 ligious purposes and which is operated, supervised, controlled, or  
53 principally supported by a church or convention or association of  
54 churches.

55 (b) By a duly ordained, commissioned, or licensed minister of a  
56 church in the exercise of his ministry or by a member of a religious  
57 order in the exercise of duties required by such order.

58 (c) In the employ of a school which is not an institution of higher  
59 education.

60 (d) In a facility conducted for the purpose of carrying out a  
 61 program of rehabilitation for individuals whose earning capacity  
 62 is impaired by age or physical or mental deficiency or injury or  
 63 providing remunerative work for individuals who, because of their  
 64 impaired physical or mental capacity, cannot be readily absorbed in  
 65 the competitive labor market by an individual receiving such re-  
 66 habilitation or remunerative work.

67 (e) As part of an unemployment work relief or work training  
 68 program assisted or financed in whole or in part by any federal  
 69 agency or an agency of a state or political subdivision thereof, by  
 70 an individual receiving such work relief or work training; or

71 (f) For a hospital in a state prison or other state correctional  
 72 institution by an inmate of the prison or correctional institution.

1 SEC. 24. Section ninety-six point nineteen (96.19), subsection  
 2 seven (7), paragraph "b", Code 1971, is amended by striking sub-  
 3 paragraph two (2) and inserting in lieu thereof the following:

4 (2) The service is not localized in any state but some of the serv-  
 5 ice is performed in this state and (i) the base of operations, or, if  
 6 there is no base of operations, then the place from which such serv-  
 7 ice is directed or controlled, is in this state; or (ii) the base of oper-  
 8 ations or place from which such service is directed or controlled is  
 9 not in any state in which some part of the service is performed, but  
 10 the individual's residence is in this state, or

11 (3) The service is performed outside the United States (except  
 12 in Canada or the Virgin Islands) after December 31, 1971, by a  
 13 citizen of the United States in the employ of an American employer  
 14 (other than service which is deemed "employment" under the provi-  
 15 sions of subparagraphs one (1) and two (2) of this paragraph or  
 16 the parallel provisions of another state law), if:

17 (a) The employer's principal place of business in the United  
 18 States is located in this state; or

19 (b) The employer has no place of business in the United States  
 20 but the employer is an individual who is a resident of this state, or  
 21 the employer is a corporation which is organized under the laws of  
 22 this state, or the employer is a partnership or a trust and the  
 23 number of the partners or trustees who are residents of this state  
 24 is greater than the number who are residents of any one other state;  
 25 or

26 (c) None of the criteria of subdivisions (a) and (b) of this sub-  
 27 paragraph is met, but the employer has elected coverage in this  
 28 state, or the employer having failed to elect coverage in any state,  
 29 the individual has filed a claim for benefits based on such service  
 30 under the law of this state.

31 (d) An "American employer", for purposes of this subparagraph,  
 32 means a person who is an individual who is a resident of the United  
 33 States or a partnership if two-thirds or more of the partners are  
 34 residents of the United States, or a trust, if all of the trustees are  
 35 residents of the United States, or a corporation organized under the  
 36 laws of the United States or of any state.

37 (4) Notwithstanding the provisions of subparagraphs one (1),  
 38 two (2), and three (3) of this paragraph, all service performed  
 39 after December 31, 1971, by an officer or member of the crew of an

40 American vessel on or in connection with such vessel, if the operat-  
41 ing office from which the operations of such vessel operating on nav-  
42 igable waters within and without the United States are ordinarily  
43 and regularly supervised, managed, directed and controlled is with-  
44 in this state, and

45 (5) Notwithstanding any other provisions of this subsection,  
46 service with respect to which a tax is required to be paid under any  
47 federal law imposing a tax against which credit may be taken for  
48 contributions required to be paid into a state unemployment fund  
49 or which, as a condition for full tax credit against the tax imposed  
50 by the Federal Unemployment Tax Act (26 U.S.C. 3301-3308), is  
51 required to be covered under this Act.

1 SEC. 25. Section ninety-six point nineteen (96.19), subsection  
2 seven (7), paragraph "g", Code 1971, is amended by striking sub-  
3 paragraph one (1) and inserting in lieu thereof the following:

4 (1) Service performed in the employ of this state by an elected  
5 official or service performed in the employ of any political subdivi-  
6 sion of this state or any instrumentality of its political subdivisions.  
7 Provided that this exemption shall not be deemed to apply to serv-  
8 ices performed for a hospital or institution of higher education oper-  
9 ated by a political subdivision of this state which has elected cover-  
10 age for such services pursuant to section ninety-six point eight  
11 (96.8), subsection three (3), paragraph "c", of the Code; and serv-  
12 ice performed in the employ of any political subdivision of this state,  
13 or any instrumentality of any political subdivision, which for the  
14 effective period of its election pursuant to section ninety-six point  
15 eight (96.8), subsection three (3), paragraph "a", of the Code, has  
16 voluntarily elected that all services performed for it by individuals  
17 in its employ shall be deemed to constitute employment for all pur-  
18 poses of this chapter. Nothing in this or any other provision of this  
19 chapter shall be construed to restrict the right of any political sub-  
20 division to elect coverage solely for institutions of higher education  
21 and hospitals as provided in section ninety-six point eight (96.8),  
22 subsection three (3), paragraph "c" of the Code.

1 SEC. 26. Section ninety-six point nineteen (96.19), subsection  
2 seven (7), paragraph "g", Code 1971, is amended by striking sub-  
3 paragraph four (4) and inserting in lieu thereof the following:

4 (4) **Agricultural labor.** For purposes of this chapter, the term  
5 "agricultural labor" means any service performed prior to January  
6 1, 1972, which was agricultural labor as defined in this subparagraph  
7 prior to such date, and remunerated service performed after Decem-  
8 ber 31, 1971:

9 (a) On a farm in the employ of any person in connection with cul-  
10 tivating the soil, or in connection with raising or harvesting any  
11 agricultural or horticultural commodity, including the raising, shear-  
12 ing, feeding, caring for, training, and management of livestock, bees,  
13 poultry, and fur-bearing animals and wildlife.

14 (b) In the employ of the owner or tenant or other operator of a  
15 farm, in connection with the operation, management, conservation,  
16 improvement, or maintenance of such farm and its tools and equip-  
17 ment, or in salvaging timber or clearing land of brush and other  
18 debris left by a hurricane, if the major part of such service is per-  
19 formed on a farm.



20 (c) In connection with the production or harvesting of any com-  
21 modity defined as an agricultural commodity in section 15(g) of the  
22 Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3, 12  
23 U.S.C. 1141j), or in connection with ginning of cotton, or in connec-  
24 tion with the operation or maintenance of ditches, canals, reservoirs,  
25 or waterways, not owned or operated for profit, used exclusively for  
26 supplying and storing water for farming purposes.

27 (d) (i) In the employ of the operator of a farm in handling,  
28 planting, drying, packing, packaging, processing, freezing, grading,  
29 storing, or delivering to storage or to market or to a carrier for  
30 transportation to market, in its unmanufactured state, any agricul-  
31 tural or horticultural commodity, but only if such operator produced  
32 more than one-half of the commodity with respect to which such  
33 service is performed;

34 (ii) In the employ of a group of operators of farms (or a coop-  
35 erative organization of which such operators are members) in the  
36 performance of service described in (i) of subdivision (d) of this  
37 subparagraph, but only if such operators produced more than one-  
38 half of the commodity with respect to which such service is per-  
39 formed;

40 (iii) The provisions of (i) and (ii) of subdivision (d) of this sub-  
41 paragraph shall not be deemed to be applicable with respect to serv-  
42 ice performed in connection with commercial canning or commercial  
43 freezing or in connection with any agricultural or horticultural  
44 commodity after its delivery to a terminal market for distribution for  
45 consumption.

46 (e) On a farm operated for profit if such service is not in the  
47 course of the employer's trade or business or is domestic service in  
48 a private home of the employer.

49 (f) The term "farm" includes stock, dairy, poultry, fruit, fur-  
50 bearing animals, and truck farms, plantations, ranches, nurseries,  
51 ranges, greenhouses or other similar structures used primarily for  
52 the raising of agricultural or horticultural commodities, and or-  
53 chards.

1 SEC. 27. Section ninety-six point nineteen (96.19), subsection  
2 seven (7), paragraph "g", Code 1971, is amended by striking sub-  
3 paragraph seven (7) and inserting in lieu thereof the following:

4 (7) Service performed in the employ of a school, college, or uni-  
5 versity if such service is performed by a student who is enrolled and  
6 is regularly attending classes at such school, college or university or  
7 by the spouse of such student, if such spouse is advised, at the time  
8 such spouse commences to perform such service, that the employment  
9 of such spouse to perform such service is provided under a program  
10 to provide financial assistance to such student by such school, college,  
11 or university, and such employment will not be covered by any pro-  
12 gram of unemployment insurance.

13 Service performed by an individual under the age of twenty-two  
14 years who is enrolled at a nonprofit or public educational institution  
15 which normally maintains a regular faculty and curriculum and  
16 normally has a regularly organized body of students in attendance  
17 at the place where its educational activities are carried on as a  
18 student in a full-time program, taken for credit at such institution,

19 which combines academic instruction with work experience, if such  
 20 service is an integral part of such program and such institution has  
 21 so certified to the employer, except that this subparagraph shall not  
 22 apply to service performed in a program established for or on behalf  
 23 of an employer or group of employers.

24 Service performed in the employ of a hospital if such service is  
 25 performed by a patient of the hospital.

1 SEC. 28. Section ninety-six point nineteen (96.19), subsection  
 2 seven (7), paragraph "g", Code 1971, is amended by striking sub-  
 3 paragraph eight (8).

1 SEC. 29. Section ninety-six point nineteen (96.19), Code 1971, is  
 2 amended by striking subsection eleven (11) and inserting in lieu  
 3 thereof the following:

4 11. "State" includes, in addition to the states of the United States,  
 5 the District of Columbia, Canada, Puerto Rico, and the Virgin  
 6 Islands.

1 SEC. 30. Section ninety-six point nineteen (96.19), Code 1971, is  
 2 amended by striking subsection twenty-one (21) and inserting in  
 3 lieu thereof the following:

4 21. **Taxable wages.** For the purposes of section ninety-six point  
 5 seven (96.7), subsections one (1) and two (2) of the Code and sub-  
 6 sequent to December 31, 1971, taxable wages shall not include that  
 7 part of remuneration which, after remuneration equal to four thou-  
 8 sand two hundred dollars has been paid in a calendar year to an  
 9 individual by an employer or his predecessor with respect to employ-  
 10 ment during any calendar year, is paid to such individual by such  
 11 employer during such calendar year unless that part of the remunera-  
 12 tion is subject to a tax under a federal law imposing a tax against  
 13 which credit may be taken for contributions required to be paid into  
 14 a state unemployment fund.

15 For the purposes of this subsection, the term "employment" in-  
 16 cludes service constituting employment under any unemployment  
 17 compensation law of another state provided such other state will  
 18 consider service performed in Iowa in determining the contribution  
 19 base.

1 SEC. 31. Section ninety-six point nineteen (96.19), Code 1971, is  
 2 amended by adding the following new subsections:

3 1. "'Hospital' means an institution which has been licensed, certi-  
 4 fied, or approved by the Iowa department of health as a hospital."

5 2. "For the purposes of this chapter the phrase, 'institution of  
 6 higher education', means an educational institution which admits  
 7 as regular students individuals having a certificate of graduation  
 8 from a high school, or the recognized equivalent of such certificate;  
 9 is legally authorized in this state primarily to provide a program of  
 10 education beyond high school; provides an educational program for  
 11 which it awards a bachelor's or higher degree or provides a program  
 12 which is acceptable for full credit toward such a degree, a program  
 13 of postgraduate or postdoctoral studies, or a program of training to  
 14 prepare students for gainful employment in a recognized occupation;  
 15 and is a public or other nonprofit institution."

16 3. "'United States' for the purposes of this section includes the

17 states, the District of Columbia, and the Commonwealth of Puerto  
18 Rico.”

19 4. “‘Extended benefit period’ means a period which:

20 a. Begins with the third week after whichever of the following  
21 weeks occurs first:

22 (1) A week for which there is a national ‘on’ indicator, or

23 (2) A week for which there is a state ‘on’ indicator, and

24 b. Ends with either of the following weeks, whichever occurs later:

25 (1) The third week after the first week for which there is both a  
26 national ‘off’ indicator and a state ‘off’ indicator, or

27 (2) The thirteenth consecutive week of such period.

28 Provided that no extended benefit period may begin by reason of a  
29 state ‘on’ indicator before the fourteenth week following the end of  
30 a prior extended benefit period which was in effect with respect to  
31 this state, and

32 Provided further that no extended benefit period may become effective  
33 in this state prior to January 1, 1972.”

34 5. “‘National on indicator’ means for any week that the United  
35 States secretary of labor determines that for each of the three most  
36 recent completed calendar months ending before such week, the rate  
37 of insured unemployment (seasonally adjusted) for all states  
38 equalled or exceeded four and one-half percent.

39 6. “‘National off indicator’ means for any week that the United  
40 States secretary of labor determines that for each of the three most  
41 recent completed calendar months ending before such week the rate  
42 of insured unemployment (seasonally adjusted) for all states was  
43 less than four and one-half percent.”

44 7. “‘State on indicator’ means for any week that the commission  
45 determines, in accordance with the regulations of the United States  
46 secretary of labor, that for the period consisting of such week and  
47 the immediately preceding twelve weeks the rate of insured unem-  
48 ployment (not seasonally adjusted) under this Act equalled or ex-  
49 ceeded one hundred twenty percent of the average of such rates for  
50 the corresponding thirteen-week period ending in each of the preced-  
51 ing two calendar years and equalled or exceeded four percent.”

52 8. “‘State off indicator’ means for any week that the commission  
53 determines, in accordance with the regulations of the United States  
54 secretary of labor, that for the period consisting of such week and  
55 the immediately preceding twelve weeks the rate of insured unem-  
56 ployment (not seasonally adjusted) under this Act was less than  
57 one hundred twenty percent of the average of such rates for the  
58 corresponding thirteen-week period ending in each of the preceding  
59 two calendar years or was less than four percent.”

60 9. “‘Rate of insured unemployment’, for purposes of determining  
61 state ‘on’ indicator and state ‘off’ indicator, means the percentage  
62 derived by dividing the average weekly number of individuals filing  
63 claims in Iowa for weeks of unemployment with respect to the most  
64 recent thirteen consecutive week period, as determined by the com-  
65 mission on the basis of its reports to the United States secretary of  
66 labor, by the average monthly insured employment covered under  
67 this Act for the first four of the most recent six completed calendar  
68 quarters ending before the end of such thirteen-week period.”

69 10. “‘Regular benefits’ means benefits payable to an individual

70 under this or under any other state law (including benefits payable to  
71 federal civilian employees and to ex-servicemen pursuant to 5 U.S.C.,  
72 Chapter 85) other than extended benefits.”

73 11. “‘Extended benefits’ means benefits (including benefits pay-  
74 able to federal civilian employees and to ex-servicemen pursuant to  
75 5 U.S.C., Chapter 85) payable to an individual under the provisions  
76 of this section for weeks of unemployment in his eligibility period.”

77 12. “‘Eligibility period’ of an individual means the period consist-  
78 ing of the weeks in his benefit year which begin in an extended benef-  
79 it period and, if his benefit year ends within such extended benefit  
80 period, any weeks thereafter which begin in such period.”

81 13. “‘Exhaustee’ means an individual who, with respect to any  
82 week of unemployment in his eligibility period has received, prior to  
83 such week, all of the regular benefits that were available to him under  
84 this Act or any other state law (including dependents’ allowances  
85 and benefits payable to federal civilian employees and ex-servicemen  
86 under 5 U.S.C. Chapter 85) in his current benefit year that includes  
87 such weeks. Provided that for the purposes of this subsection an  
88 individual shall be deemed to have received all of the regular benefits  
89 that were available to him, although as a result of a pending appeal  
90 with respect to wages that were not considered in the original  
91 monetary determination in his benefit year he may subsequently be  
92 determined to be entitled to add regular benefits, or:

93 (a) His benefit year having expired prior to such week, has no, or  
94 insufficient, wages and on the basis of which he could establish a  
95 new benefit year that would include such week, and

96 (b) He has no right to unemployment benefits or allowances under  
97 the Railroad Unemployment Insurance Act, the Trade Expansion Act  
98 of 1962, the Automotive Products Trade Act of 1965, and such  
99 other federal laws as are specified in regulations issued by the United  
100 States secretary of labor, and he has not received and is not seeking  
101 unemployment benefits under the unemployment compensation law of  
102 the Virgin Islands or of Canada, but if he is seeking such benefits and  
103 the appropriate agency finally determines that he is not entitled to  
104 benefits under such law he is considered an exhaustee.”

105 14. “‘State law’ means the unemployment insurance law of any  
106 state, approved by the United States secretary of labor under 26  
107 U.S.C. 3304.”

1 SEC. 32. Section ninety-six point twenty (96.20), subsections one  
2 (1), two (2), and three (3), Code 1971, are amended as follows:

3 1. The commission is hereby authorized to enter into arrange-  
4 ments with the appropriate agencies of other states, *or a contiguous*  
5 *country with which the United States has an agreement with respect*  
6 *to unemployment compensation* or the federal government whereby  
7 potential rights to benefits accumulated under the unemployment  
8 compensation laws of several states or under such a law of the  
9 federal government, or both, may constitute the basis for the pay-  
10 ment of benefits through a single appropriate agency under terms  
11 which the commission finds will be fair and reasonable as to all  
12 affected interests and will not result in any substantial loss to the  
13 fund.

14 2. The commission may enter into arrangements with the appro-  
15 priate agencies of other states *or a contiguous country with which*

16 *the United States has an agreement with respect to unemployment*  
 17 *compensation or of the federal government (a) whereby wages or*  
 18 *services, upon the basis of which an individual may become entitled*  
 19 *to benefits under the unemployment compensation law of another*  
 20 *state or of the federal government, shall be deemed to be wages for*  
 21 *employment by employers for the purposes of section 96.3 and section*  
 22 *96.4, subsection 5; provided such other state agency or agency of the*  
 23 *federal government has agreed to reimburse the fund for such portion*  
 24 *of benefits, paid under this chapter upon the basis of such wages or*  
 25 *services as the commission finds will be fair and reasonable as to all*  
 26 *affected interests, and (b) whereby the commission will reimburse*  
 27 *other state or federal agencies charged with the administration of*  
 28 *unemployment compensation laws with such reasonable portion of*  
 29 *benefits paid under the law of any such other states or of the federal*  
 30 *government upon the basis of employment or wages for employment*  
 31 *by employers, as the commission finds will be fair and reasonable*  
 32 *as to all affected interests. Reimbursements so payable shall be*  
 33 *deemed to be benefits for the purposes of section 96.3, subsection 5,*  
 34 *and section 96.9, but no reimbursement so payable shall be charged*  
 35 *against any employer's account for the purposes of section 96.7.*  
 36 *The commission is hereby authorized to make to other state or federal*  
 37 *agencies and receive from such other state or federal agencies,*  
 38 *reimbursements from or to the fund, in accordance with arrange-*  
 39 *ments pursuant to this section.*

40 *The commission shall participate in any arrangements for the pay-*  
 41 *ment of compensation on the basis of combining an individual's wages*  
 42 *and employment covered under this Act with his wages and employ-*  
 43 *ment covered under the unemployment compensation laws of other*  
 44 *states which are approved by the United States secretary of labor*  
 45 *in consultation with the state unemployment compensation agencies*  
 46 *as reasonably calculated to assure the prompt and full payment of*  
 47 *compensation in such situations and which include provisions for:*  
 48 *applying the base period of a single state law to a claim involving*  
 49 *the combining of an individual's wages and employment covered*  
 50 *under two or more state unemployment compensation laws, and*  
 51 *avoiding the duplication use of wages and employment by reason of*  
 52 *such combining.*

53 3. The commission is hereby authorized to enter into agreements  
 54 with the appropriate agencies of other states or a contiguous country  
 55 with which the United States has an agreement with respect to unem-  
 56 ployment compensation or the federal government administering  
 57 unemployment compensation laws to provide that contributions on  
 58 wages for services performed by an individual in more than one state  
 59 for the same employer may be paid to the appropriate agency of one  
 60 state.

1 SEC. 33. Chapter ninety-six (96), Code 1971, is amended by add-  
 2 ing the following new section:

3 "Extended benefits. Except when the result would be inconsistent  
 4 with the other provisions of this chapter, as provided in regulations  
 5 of the commission, the provisions of the law which apply to claims  
 6 for or the payment of regular benefits shall apply to claims for, and  
 7 the payment of, extended benefits.

8 1. Eligibility requirements for extended benefits. An individual

9 shall be eligible to receive extended benefits with respect to any week  
10 of unemployment in his eligibility period only if the commission  
11 finds that with respect to such week:

12 a. He is an 'exhaustee' as defined in this Act.

13 b. He has satisfied the requirements of this Act for the receipt of  
14 regular benefits that are applicable to individuals claiming extended  
15 benefits, including not being subject to a disqualification for the  
16 receipt of benefits.

17 2. **Weekly extended benefit amount.** The weekly extended benef-  
18 fit amount payable to an individual for a week of total unemployment  
19 in his eligibility period shall be an amount equal to the weekly benef-  
20 fit amount payable to him during his applicable benefit year.

21 3. **Total extended benefit amount.** The total extended benefit  
22 amount payable to any eligible individual with respect to his appli-  
23 cable benefit year shall be the least of the following amounts.

24 a. Fifty percent of the total amount of regular benefits which were  
25 payable to him under this Act in his applicable benefit year.

26 b. Thirteen times his weekly benefit amount which was payable to  
27 him under this Act for a week of total unemployment in the appli-  
28 cable benefit year.

29 4. **Beginning and termination of extended benefit period.** When-  
30 ever an extended benefit period is to become effective in Iowa, or in  
31 all states, as a result of a state or a national 'on' indicator, or an ex-  
32 tended benefit period is to be terminated in Iowa as a result of state  
33 and national 'off' indicators, the commission shall make an appro-  
34 priate public announcement. Computations required by the provisions  
35 of this subsection shall be made by the commission in accordance with  
36 regulations prescribed by the United States secretary of labor."

1 SEC. 34. The provisions of this Act shall become effective January  
2 1, 1972, except that sections ten (10) and eleven (11) of this Act  
3 shall become effective October 1, 1971.

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 114†

### UNEMPLOYMENT COMPENSATION FOR VETERANS

#### S. F. 70

AN ACT relating to eligibility for unemployment compensation for veterans.

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

1 SECTION 1. Section ninety-six point five (96.5), subsection five  
2 (5), Code 1971, is amended as follows:

3 5. Other compensation. For any week with respect to which he is  
4 receiving, has received, or is entitled to receive payment in the form  
5 of:

6 a. Wages in lieu of notice;

7 b. Compensation for temporary disability under the workmen's  
8 compensation law of any state or under a similar law of the United  
9 States;

†See Editor's note, page iii.

10 c. Old-age benefits under title II of the Social Security Act (42  
11 USC, chapter 7), as amended, or similar retirement payments under  
12 any Act of Congress; provided that the commission shall withhold  
13 payments under this chapter if it has reason to believe a claimant is  
14 entitled to benefits under title II of the Social Security Act of the  
15 United States or any similar payments under any other Act of Con-  
16 gress, until such time as the claimant files with the commission satis-  
17 factory evidence that he is not entitled to such benefits;

18 d. Benefits paid as retirement pay or as private pension.

19 Provided, that if such remuneration is less than the benefits which  
20 would otherwise be due under this chapter, he shall be entitled to  
21 receive for such week, if otherwise eligible, benefits reduced by the  
22 amount of such remuneration. Provided further, if benefits were paid  
23 for any week under this chapter for a period when benefits, remunera-  
24 tion or compensation under paragraphs "a", "b", "c", or "d", of this  
25 subsection were paid on a retroactive basis for the same period, or  
26 any part thereof, the commission shall recover any such excess  
27 amount of benefits paid by the commission for such period, and no  
28 employer's account shall be charged with benefits so paid, provided  
29 further, however, that retirement pay or compensation for service-  
30 connected disabilities or pensions and compensation for accrued leave  
31 based on military service, by the beneficiary, with the armed forces  
32 of the United States, irrespective of the amount of the benefit, shall  
33 in no way disqualify any individual, otherwise qualified, from any of  
34 the benefits contemplated herein.

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 Lee  
3 Town News, a newspaper published in Des Moines, Iowa, and in The  
4 Anamosa Eureka, a newspaper published in Anamosa, Iowa.

Approved February 12, 1971.

I hereby certify that the foregoing Act, Senate File 70, was published in the Lee  
Town News, Des Moines, Iowa, February 25, 1971, and in The Anamosa Eureka, Ana-  
mosa, Iowa, February 25, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 115

### PEACE OFFICERS' RETIREMENT

S. F. 402

AN ACT relating to benefits under the peace officers' retirement system.

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

1 SECTION 1. Section ninety-seven A point six (97A.6), subsection  
2 five (5), Code 1971, is amended as follows:

3 5. **Accidental disability benefit.** Upon application of a member in  
4 service or of the commissioner of public safety, any member who  
5 has become totally and permanently incapacitated for duty as the  
6 natural and proximate result of an [accident] *injury, disease, or expo-*  
7 *sure occurring or aggravated* while in the actual performance of duty

8 at some definite time and place shall be retired by the board of trustees, provided, that the medical board shall certify that such member  
9 is mentally or physically incapacitated for further performance of  
10 duty, that such incapacity is likely to be permanent and that such  
11 member should be retired.

12 *Should a member in service become incapacitated for duty as a natural and proximate result of an injury, disease, or exposure incurred  
13 or aggravated while in the actual performance of duty at some definite time or place, he shall, upon being found to be temporarily incapacitated following an examination by the board of trustees, be  
14 entitled to receive his fixed pay and allowances until reexamined by the board and found to be fully recovered or permanently disabled.*

15 *Disease under this section shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been  
16 contracted while on active duty as a result of strain, exposure, or the inhalation of noxious fumes, poison, or gases.*

17 SEC. 2. Chapter ninety-seven A (97A), Code 1971, is amended by  
18 adding the following new section:

19 **"Hospitalization and medical attention.** The board of trustees shall  
20 provide hospital, nursing, and medical attention for the members in  
21 service when injured while in the performance of their duties. The  
22 cost of hospital, nursing, and medical attention shall be paid out of  
23 the expense fund. However, any amounts received by the injured  
24 person under the workmen's compensation law of the state, or from  
25 any other source for such specific purposes, shall be deducted from the  
26 amount paid by the board of trustees provisions of this section."

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 116†

### TAX ON CIGARETTES

H. F. 177

AN ACT to increase the tax on cigarettes.

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

1 SECTION 1. Section ninety-eight point six (98.6), subsection one  
2 (1), Code 1971, is amended as follows:

3 1. There is hereby levied, assessed, and imposed, and shall be col-  
4 lected and paid to the department, the following taxes on all cigarettes  
5 used or otherwise disposed of in this state for any purpose whatso-  
6 ever:

7 Class A. On cigarettes weighing not more than three pounds per  
8 thousand, six and one-half mills on each such cigarette.

9 Class B. On cigarettes weighing more than three pounds per thou-  
10 sand, seven and one-half mills on each such cigarette.

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 Newton

†See Editor's note, page iii.



3 Daily News, a newspaper published in Newton, Iowa, and in The  
4 Sheldon Mail, a newspaper published in Sheldon, Iowa.

Approved March 8, 1971.

I hereby certify that the foregoing Act, House File 177, was published in The Newton Daily News, Newton, Iowa, March 12, 1971, and in The Sheldon Mail, Sheldon, Iowa, March 10, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 117

### EXPLOSIVE MATERIALS

H. F. 522

AN ACT relating to the regulation of the manufacture, sale, transportation, storage, possession, and use of explosive materials; providing penalties for violations of those regulations; and requiring prompt reporting of knowledge or discovery of explosive devices, and providing a penalty for failure to so report.

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

1 SECTION 1. Definitions. As used in this Act:

2 1. "Explosive" or "explosives" means any chemical compound,  
3 mixture or device, the primary or common purpose of which is to  
4 function by explosion, i.e., with substantially instantaneous release of  
5 gas and heat, unless such compound, mixture, or device is otherwise  
6 specifically classified by the United States department of transporta-  
7 tion. The term "explosives" includes all material which is classified  
8 as class A, class B, and class C explosives by the United States de-  
9 partment of transportation, and includes, but is not limited to, dyna-  
10 mite, black powder, pellet powders, initiating explosives, blasting  
11 caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters,  
12 squibs, cordeau detonant\* fuse, instantaneous fuse, igniter cord,  
13 igniters, smokeless propellant, cartridges for propellant-actuated  
14 power devices and cartridges for industrial guns, but shall not  
15 include "fireworks" as defined and regulated pursuant to sections  
16 seven hundred thirty-two point seventeen (732.17) through seven  
17 hundred thirty-two point nineteen (732.19) of the Code, nor ammuni-  
18 tion or small arms primers manufactured for use in shotguns, rifles,  
19 and pistols. Commercial explosives are those explosives which are  
20 intended to be used in commercial or industrial operations.

21 2. "Blasting agent" means any material or mixture consisting of a  
22 fuel and oxidizer, intended for blasting but not otherwise classified as  
23 an explosive, in which none of the finished products as mixed and  
24 packaged for use or shipment can be detonated by means of a number  
25 eight test blasting cap when unconfined.

26 3. "Commercial license" or "license" means a license issued by the  
27 commissioner of public safety pursuant to this Act.

28 4. "Licensee" means a person holding a commercial license issued  
29 by the commissioner of public safety pursuant to this Act.

30 5. "Users permit" or "permit" means a permit issued by a county  
31 sheriff or chief of police of a city of ten thousand or more population,  
32 pursuant to this Act.

33 6. "Permittee" means a person holding a user's permit issued  
34 pursuant to this Act.

\*According to enrolled Act.

35 7. "Import" and "importation" means transfer into the state of  
36 Iowa.

37 8. "Explosive materials" means explosives or blasting agents.

38 9. "Magazine" means any building or structure, other than an ex-  
39 plosives manufacturing building, approved by the commissioner of  
40 public safety or his designated agent for the storage of explosive  
41 materials.

42 10. "Person" means any individual, corporation, partnership, or  
43 association.

1 **SEC. 2. Commercial license—how issued—violation.**

2 1. The commissioner of public safety shall issue commercial licenses  
3 for the manufacture, importation, distribution, sale, and commercial  
4 use of explosives to persons who, in the commissioner's discretion are  
5 of good character and sound judgment, and have sufficient knowledge  
6 of the use, handling, and storage of explosive materials to protect the  
7 public safety. Licenses shall be issued for a period of one year, but  
8 may be issued for shorter periods, and may be revoked or suspended  
9 by the commissioner of public safety for any of the following reasons:

10 a. Falsification of information submitted in the application for a  
11 license.

12 b. Proof that the licensee has violated any provisions of this Act or  
13 any rules or regulations prescribed by the commissioner of public  
14 safety pursuant to the provisions of this Act.

15 2. Licenses shall be issued by the commissioner of public safety  
16 upon payment to him of a fee of sixty dollars, valid for a period of  
17 one calendar year, commencing on January first and terminating on  
18 December thirty-first; however, an initial license may be issued during  
19 any calendar year for the number of months remaining in such calen-  
20 dar year, computed to the first day of the month when the application  
21 for the license is approved. The license fee shall be charged on a pro  
22 rata basis for the number of months remaining in the year of issue.  
23 Applications for renewal of licenses shall be submitted within thirty  
24 days prior to the license expiration date and shall be accompanied by  
25 payment of the prescribed annual fee.

26 3. Except as permitted in section three (3), section nine (9), section  
27 ten (10), and section eleven (11) of this Act, it shall be unlawful for  
28 any person to willfully manufacture, import, store, detonate, sell, or  
29 otherwise transfer any explosive materials unless such person is the  
30 holder of a valid license issued pursuant to this section.

31 4. Commercial dealers having a federal firearms license shall be  
32 exempt from the requirement or the commercial license requirement  
33 of this Act for importation, distribution, sale, transportation, storage  
34 and possession of smokeless powder propellants or black sporting  
35 powder propellants provided that such dealer must conform and com-  
36 ply to rules, regulations, or ordinances of federal, state, city or town  
37 authorities having jurisdiction of such powder.

1 **SEC. 3. User's permit—how issued—violation.**

2 1. User's permits to purchase, possess, transport, store, and deto-  
3 nate explosive materials shall be issued by the sheriff of the county  
4 or the chief of police of a city of ten thousand population or more  
5 where the possession and detonation will occur. If the possession and

6 detonation are to occur in more than one county or city, then such  
7 permits must be issued by the sheriff or chief of police of each of such  
8 counties or cities, except in counties and cities in which the explosives  
9 are possessed for the sole purpose of transporting them through such  
10 counties and cities. A permit shall not be issued unless the sheriff or  
11 chief of police having jurisdiction is satisfied that possession and det-  
12 onation of explosive materials is necessary to the applicant's business  
13 or to improve his property. Permits shall be issued only to persons  
14 who, in the discretion of the sheriff or chief of police, are of good  
15 character and sound judgment, and have sufficient knowledge of the  
16 use and handling of explosive materials to protect the public safety.  
17 The commissioner of public safety shall prescribe, have printed, and  
18 distribute permit application forms to all local permit issuing authori-  
19 ties.

20 2. The user's permit shall state the quantity of explosive materials  
21 which the permittee may purchase, the amount he may have in his  
22 possession at any one time, the amount he may detonate at any one  
23 time, and the period of time during which the purchase, possession,  
24 and detonation of explosive materials is authorized. The permit shall  
25 also specify the place where detonation may occur, the location and  
26 description of the place where the explosive materials will be stored,  
27 if such be the case, and shall contain such other information as may  
28 be required under the rules and regulations of the commissioner of  
29 public safety. The permit shall not authorize purchase, possession,  
30 and detonation of a quantity of explosive materials in excess of that  
31 which is necessary in the pursuit of the applicant's business or the  
32 improvement of his property, nor shall such purchase, possession, and  
33 detonation be authorized for a period longer than is necessary for the  
34 specified purpose. In no event shall the permit be valid for more than  
35 thirty days from date of issuance but it may be renewed upon proper  
36 showing of necessity.

37 3. The user's permit may be revoked for any of the reasons specified  
38 in section two (2), subsection one (1) for suspension or revocation of  
39 a commercial license.

40 4. It shall be unlawful for a person to willfully purchase, possess,  
41 transport, store, or detonate explosive materials unless such person  
42 is the holder of a valid permit issued pursuant to this section or a valid  
43 license issued pursuant to section two (2) of this Act.

#### 1 SEC. 4. Refusal to grant license or permit—appeal.

2 1. A person who is refused issuance of a commercial license by the  
3 commissioner of public safety may appeal the commissioner's decision  
4 to the district court. Such appeal shall be heard as a trial de novo.

5 2. A person who is refused issuance of a user's permit by a local  
6 permit issuing authority may appeal the authority's decision to the  
7 county board of supervisors or the city council of the county or city  
8 where the permit is sought, and de novo to the district court.

1 SEC. 5. Rules and regulations. The commissioner of public safety  
2 shall prepare, adopt, and distribute to permit issuing authorities and  
3 other interested persons, without cost, rules and regulations in ac-  
4 cordance with provisions of chapter seventeen A (17A) of the Code,  
5 pertaining to the manufacture, transportation, storage, possession,  
6 and use of explosive materials. Rules and regulations adopted by the

7 commissioner of public safety shall be compatible with, but not limited  
8 to the National Fire Protection Association's pamphlet number four  
9 hundred ninety-five and federal rules and regulations pertaining to  
10 commerce, possession, storage, and use of explosive materials. Such  
11 rules shall:

12 1. Prescribe reasonable standards for the safe transportation and  
13 handling of explosive materials so as to prevent accidental fires and  
14 explosions and prevent theft and unlawful or unauthorized possession  
15 of explosive materials.

16 2. Prescribe procedures and methods of inventory so as to assure  
17 accurate records of all explosive materials manufactured or imported  
18 into the state and records of the disposition of such explosive ma-  
19 terials, including records of the identity of persons to whom sales and  
20 transfers are made, and the time and place of any loss or destruction  
21 of explosive materials which might occur.

22 3. Prescribe reasonable standards for the safe storage of explosive  
23 materials as may be necessary to prevent accidental fires and ex-  
24 plosions and prevent thefts and unlawful or unauthorized possession  
25 of explosive materials.

26 4. Require such reports from licensees, permittees, sheriffs, and  
27 chiefs of police as may be necessary for the commissioner of public  
28 safety to discharge his duties pursuant to this Act.

29 5. Prescribe the form and content of license and permit applications.

30 6. Conduct such inspections of licensees and permittees as may be  
31 necessary to enforce the provisions of this Act.

1 **SEC. 6. Notice of storage required.** A licensee shall notify the  
2 sheriff of the county and the local police authority of any city or town  
3 in which explosive materials will be stored, and shall also notify such  
4 authorities when the storage is terminated.

1 **SEC. 7.** The licensee's or permittee's explosive storage facility shall  
2 be inspected at least once every six months by either the sheriff of the  
3 county where the facility is located or by the local police authority  
4 if the facility is located within a city of over ten thousand population.  
5 The facility may be examined at other times by the sheriff if he con-  
6 siders it necessary.

7 If the sheriff or local police authority find the facility to be improv-  
8 erly secured, the licensee or permittee shall immediately correct the  
9 improper security and, if not so corrected, the sheriff or local police  
10 authority shall immediately confiscate the stored explosives. If the  
11 explosives are confiscated by the local police authority, they shall be  
12 delivered to the sheriff. The sheriff shall hold confiscated explosives  
13 for a period of thirty days under proper security unless the period of  
14 holding is shortened pursuant to this section.

15 If the licensee or permittee corrects the improper security within  
16 such thirty-day period, the explosives shall be returned to the licensee  
17 or permittee after he has made such correction and after he has paid  
18 into the county fund an amount equal to the expense incurred by the  
19 county in storing the explosives during the period of confiscation. The  
20 amount of such expense shall be determined by the sheriff.

21 If the improper security is not corrected during the thirty-day  
22 period, the sheriff shall deliver the explosives to the fire marshal for  
23 disposal and the license or permit shall be canceled. Such canceled

24 license or permit shall not be reissued for a period of two years from  
25 the date of cancellation.

26 The licensee or permittee may obtain possession of the explosives  
27 from the sheriff during the thirty-day period for the purpose of dis-  
28 posing of them. The disposal procedure shall conform to the pro-  
29 visions of section nine (9) of this Act. The licensee or permittee shall  
30 first pay into the county fund an amount equal to the expense incurred  
31 by the county in storing the explosives during the period of con-  
32 fiscation. The amount of the expense shall be determined by the  
33 sheriff.

1 **SEC. 8. Report of theft or loss required.** Any theft or loss of  
2 explosive materials, whether from a storage magazine, a vehicle in  
3 which they are being transported, or from a site on which they are be-  
4 ing used, or from any other location, shall immediately be reported by  
5 the person authorized to possess such explosives to the local police  
6 or county sheriff. The local police or county sheriff shall immediately  
7 transmit a report of such theft or loss of explosive materials to the  
8 commissioner of public safety.

1 **SEC. 9. Disposal regulated.** No person shall abandon or otherwise  
2 dispose of any explosives in any manner which might, as the result of  
3 such abandonment or disposal, create any danger or threat of danger  
4 to life or property. Any person in possession or control of explosives  
5 shall, when the need for such explosives no longer exists, dispose of  
6 them in accordance with regulations prescribed by the commissioner  
7 of public safety.

1 **SEC. 10. Persons and agencies exempt.** This Act shall not apply  
2 to the transportation and use of explosive materials by the regular  
3 military or naval forces of the United States, the duly organized  
4 militia of this state, representatives of the state fire marshal, the  
5 Iowa highway safety patrol, division of criminal investigation and  
6 bureau of identification, local police departments, sheriffs departments,  
7 and fire departments acting in their official capacity; nor shall this  
8 Act apply to the transportation and use of explosive materials by any  
9 peace officer to enforce provisions of this Act when he is acting pur-  
10 suant to such authority, however, other agencies of the state or any  
11 of its political subdivisions desiring to purchase, possess, transport,  
12 or use explosive materials for construction or other purposes shall be  
13 required to obtain user's permits.

1 **SEC. 11. Explosive materials exempt.** This Act shall not apply to  
2 the possession or use of twenty-five pounds or less of smokeless  
3 powder, or five pounds or less of black sporting powder, provided that:  
4 1. Smokeless powder is intended for handloading or reloading of  
5 ammunition for small arms with bores equivalent to ten gauge or less.  
6 2. Black sporting powder is intended for handloading or reloading  
7 ammunition for small arms with bores equivalent to ten gauge or less,  
8 loading black ammunition, loading cap and ball revolvers, loading  
9 muzzle loading arms, or loading muzzle loading cannon.  
10 3. All such powder is for private use and not for commercial resale,  
11 and in the case of black sporting powder or smokeless powder the  
12 sharing with or disposition to another person is permitted if otherwise  
13 lawful.

14 4. The storage, use, and handling of smokeless and black powder  
 15 conforms to rules, regulations, or ordinances of authorities having  
 16 jurisdiction for fire prevention and suppression purposes in the area  
 17 of such storage, use, and handling.

1 SEC. 12. **Use of fees.** The fees collected by the commissioner of  
 2 public safety in issuing licenses shall be deposited in a special fund in  
 3 the state treasury to be used by the commissioner in administering and  
 4 enforcing the provisions of this Act.

1 SEC. 13. **Local ordinances.** Nothing in this Act shall limit the  
 2 authority of cities and towns to impose additional regulations govern-  
 3 ing the storage, handling, use, and transportation of explosive ma-  
 4 terials within their respective corporate limits, however, such regula-  
 5 tions shall be at least as stringent as and not inconsistent with the  
 6 provisions of this Act and the rules and regulations promulgated  
 7 pursuant to this Act.

1 SEC. 14. **Criminal penalties.**

2 1. Any person who violates the provisions of section two (2), sub-  
 3 section three (3), or section three (3), subsection four (4) of this Act  
 4 commits a public offense and, upon conviction, shall be punished by  
 5 imprisonment in the penitentiary for a term not to exceed fifteen  
 6 years, or fined not to exceed five thousand dollars, or by both such  
 7 imprisonment and fine.

8 2. Any person who violates the provisions of sections six (6), eight  
 9 (8), or nine (9) of this Act, or any of the rules and regulations  
 10 adopted by the commissioner of public safety pursuant to the pro-  
 11 visions of this Act, commits a public offense and, upon conviction,  
 12 shall be punished by imprisonment in the county jail not to exceed  
 13 thirty days, or fined not to exceed one hundred dollars.

1 SEC. 15. Section six hundred ninety-seven point seven (697.7),  
 2 Code 1971, is amended by adding the following new paragraph:

3 "Any person who receives or has knowledge of such a threat or who  
 4 discovers or has knowledge of the discovery of any bomb or explosive  
 5 materials shall promptly report the same to a peace officer or to the  
 6 county attorney. Failure to report such knowledge or discovery shall  
 7 be a public offense punishable, upon conviction, by imprisonment in  
 8 the county jail not to exceed thirty days, or by a fine not to exceed  
 9 one hundred dollars."

Approved June 10, 1971.

## CHAPTER 118

### RIGHT OF WAY RULES OF VESSEL TRAFFIC

#### H. F. 330

AN ACT relating to the right-of-way rules of vessel traffic.

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

1 SECTION 1. Section one hundred six point twenty-six (106.26),  
 2 Code 1971, is amended by adding the following new subsection:

3 8. Except as provided in special rules promulgated under the au-  
4 thority of this chapter, the following speed and distance regulations  
5 shall apply:

6 a. On all waters under the jurisdiction of the state conservation  
7 commission:

8 (1) No motorboat shall be operated at speeds greater than five  
9 miles per hour when within two hundred fifty feet of another craft  
10 traveling at five miles per hour or less or any sailboat at any time.

11 (2) Motorboats shall maintain a minimum passing or meeting dis-  
12 tance of fifty feet when both boats are traveling at speeds greater than  
13 five miles per hour.

14 b. On all lakes and federal impoundments under the jurisdiction of  
15 the state conservation commission:

16 (1) No motor boat shall be operated at a speed exceeding five  
17 miles per hour unless vision is unobstructed at three hundred feet  
18 ahead.

19 (2) No motorboat shall be operated within three hundred feet of  
20 shore at a speed greater than ten miles per hour.

Approved June 30, 1971.

## CHAPTER 119

### COMMERCIAL FISHING

S. F. 257

AN ACT relating to fish which may be taken with licensed commercial fishing gear.

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

1 SECTION 1. Section one hundred nine point one hundred eleven  
2 (109.111), Code 1971, is amended as follows:

3 109.111 **Permissive catch.** It shall be lawful to take from the  
4 waters of the Mississippi river and Missouri river with licensed com-  
5 mercial fishing gear the following species of fish: Carp, buffalo, gar,  
6 suckers, quillback, sheepshead, [pickerel,] bullheads, dogfish, sand  
7 sturgeon, catfish or paddlefish, subject to minimum weight or length  
8 of requirements provided by law.

Approved April 26, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 120

### SEASONS AND LIMITS ON FISH AND FROGS

S. F. 332

AN ACT relating to the seasons and limits on fish and frogs.

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

1 SECTION 1. Section one hundred nine point sixty-seven (109.67),  
2 Code 1971, is amended by striking the section and inserting in lieu  
3 thereof the following:

4 It is unlawful for any person, except as otherwise expressly pro-  
 5 vided, to take, capture, or kill fish or frogs except during the open  
 6 season established by the state conservation commission. It is un-  
 7 lawful during open season to take in any one day an amount in ex-  
 8 cess of the daily catch limit designated for each variety or each local-  
 9 ity, or have in possession any variety of fish or frog in excess of the  
 10 possession limit, or have in possession any frog or fish at any time  
 11 under the minimum length or weight. The open season, possession  
 12 limit, daily catch limit, and the minimum length or weight for each  
 13 variety of fish or frog shall be established by rule of the commission  
 14 under the authority of sections one hundred seven point twenty-four  
 15 (107.24), one hundred nine point thirty-eight (109.38), and one hun-  
 16 dred nine point thirty-nine (109.39) of the Code.

Approved June 4, 1971.

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## CHAPTER 121

### SALE OF BLACK BASS

S. F. 160

AN ACT to allow black bass to be bought, sold, bartered, or offered for sale.

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

- 1 SECTION 1. Section one hundred nine point seventy-nine (109.79),
- 2 Code 1971, is repealed.

Approved April 1, 1971.

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## CHAPTER 122†

### TROTTLINES

S. F. 147

AN ACT relating to the use of trotlines.

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

- 1 SECTION 1. Section one hundred nine point one hundred eight
- 2 (109.108), Code 1971, is amended as follows:
- 3 109.108 **Mesh size and hook limit.** It shall be unlawful for any
- 4 person to fish with or to use any trammel net having a mesh of less
- 5 than two inches square or bar measure, or to fish with or use a gill net
- 6 having a mesh of less than three and three-quarters inches square or
- 7 bar measure, or to use in the Mississippi or Missouri rivers, basket
- 8 traps made of wood, with the end opposite the throat having a hole of
- 9 less than one and one-half inches in diameter or trotlines with more
- 10 than one hundred hooks. Such measurements shall apply to meshes
- 11 when in use and no allowance shall be made for shrinkage due to any
- 12 cause. Any commercial fishing equipment in use shall be subject to in-
- 13 spection by the commission or its authorized agents at any time.

†See Editor's note, page iii.



1 SEC. 2. Section one hundred nine point one hundred nine (109.109),  
2 Code 1971, is repealed.

Approved March 16, 1971.

CHAPTER 123

FISH AND GAME LAWS VIOLATIONS

S. F. 149

AN ACT relating to the imposition of a general criminal penalty for violations of the fish and game conservation laws.

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

1 SECTION 1. Section one hundred nine point one hundred nineteen  
2 (109.119), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 109.119 Penalty. Any person violating any provision of this chap-  
5 ter for which another penalty is not specifically provided shall, upon  
6 conviction or a plea of guilty, be fined not less than ten dollars nor  
7 more than one hundred dollars, or be imprisoned in the county jail not  
8 more than thirty days.

Approved May 5, 1971.

CHAPTER 124

FISH AND GAME LICENSES

H. F. 573

AN ACT relating to fish and game licenses and fees.

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

1 SECTION 1. Section one hundred ten point one (110.1), lines one  
2 (1) to forty-seven (47), inclusive, Code 1971, is amended as follows:

3 Except as otherwise provided in this chapter, no person shall fish,  
4 trap, hunt, pursue, catch, kill or take in any manner, or use or have  
5 possession of, or sell or transport all or any portion of any wild animal,  
6 bird, game or fish, the protection and regulation of which is desirable  
7 for the conservation of the resources of the state, without first procur-  
8 ing a license or certificate so to do and the payment of a fee as follows:  
9 Fishing licenses:

- 10 All persons legal residents of the state, except as otherwise pro-  
11 vided .....\$[3.00] 4.00
- 12 All persons legal residents of the state and sixty-five years of age  
13 or older, except as otherwise provided ..... 3.00
- 14 No person, resident or nonresident, required to have a fishing  
15 license, shall fish for trout in waters designated by the state conserva-  
16 tion commission as "trout waters" without having a special license  
17 stamp affixed to his fishing license.
- 18 Special trout fishing license stamp .....\$[3.00] 5.00

- 19 The proceeds from the sale of this stamp shall be used exclusively  
 20 to restock the "trout waters" designated by the *state* conservation  
 21 commission.  
 22 Hunting licenses:  
 23 All persons legal residents of the state, except *as otherwise provided*  
 24 .....[3.00] 5.00  
 25 *All persons legal residents of the state and sixty-five years of age*  
 26 *or older, except as otherwise provided* .....3.00  
 27 Hunting and fishing combined licenses:  
 28 All persons legal residents of the state, except *as otherwise pro-*  
 29 *vided* .....[5.00] 8.00  
 30 *All persons legal residents of the state and sixty-five years of age or*  
 31 *older, except as otherwise provided* .....5.00  
 32 Hunting license for nonresident or alien .....[20.00] 25.00  
 33 Special deer hunting license:  
 34 All persons legal residents of the state ..... 10.00  
 35 Fishing license (resident and nonresident):  
 36 One-day license for resident, nonresident, or alien ..... 1.00  
 37 Fishing license (nonresident):  
 38 Six-day license for nonresident or alien .....[3.00] 5.00  
 39 Fishing license for longer than six days (nonresident):  
 40 Fishing license for nonresident or alien .....[5.00] 10.00  
 41 Game breeder's license ..... 10.00  
 42 Trapping license for legal resident of state under sixteen years of age  
 43 ..... 1.00  
 44 Trapping license for legal resident of state sixteen years of age and  
 45 older .....[3.00] 5.00  
 46 The provisions of this section shall become effective January 1, 1972.  
 1 SEC. 2. Section one hundred ten point seventeen (110.17), Code  
 2 1971, is amended by striking unnumbered paragraph two (2) and in-  
 3 serting in lieu thereof the following:  
 4 Upon written application to the state conservation commission, one  
 5 of the following persons shall be issued a deer-hunting license:  
 6 1. The owner of a farm unit; or  
 7 2. One member of the family of the farm owner; or  
 8 3. The tenant residing on the farm unit; or  
 9 4. One member of the family of the tenant, who resides on the farm  
 10 unit.  
 11 The deer-hunting permit shall be valid only for hunting on the farm  
 12 unit upon which the licensee to whom it is issued resides.  
 Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 125†

### HUNTING AND FISHING LICENSES

H. F. 206

AN ACT relating to fees collected by the county recorder for hunting and fishing duplicate licenses.

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

- 1 SECTION 1. Section one hundred ten point seven (110.7), Code  
 2 1971, is amended as follows:

†See Editor's note, page iii.

3     **110.7 Duplicate licenses and permits.** Whenever any license, cer-  
 4     tificate or permit, for which a fee has been set, has been lost, destroyed  
 5     or stolen, the director or the county recorder where the license was  
 6     issued in the first instance, may issue a certificate to replace said  
 7     license, if written evidence is filed with either director or recorder, in  
 8     affidavit form, by the person to whom the original was issued, setting  
 9     forth the circumstances and accompanied by a fee of one dollar, said  
 10    fee to be kept by the county recorder for the use of the county, if  
 11    issued by him, and placed in the fish and game protection fund if  
 12    issued by the director. If, on examination of the evidence, the director  
 13    or the recorder, as the case may be, is satisfied that said license has  
 14    been lost, destroyed or stolen, he shall issue a duplicate license which  
 15    shall be plainly marked "duplicate" and said duplicate shall serve in  
 16    lieu of the original license and it shall contain the same information  
 17    and signature as the original.

Approved March 11, 1971.

## CHAPTER 126

### COUNTY CONSERVATION BOARDS

H. F. 514

AN ACT relating to county conservation boards.

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

1     SECTION 1. Section one hundred eleven A point six (111A.6),  
 2     unnumbered paragraph one (1), Code 1971, is amended as follows:  
 3     Upon the adoption of any county of the provisions of this chapter,  
 4     the county board of supervisors of such county may by resolution  
 5     appropriate an amount of money from the general fund of the county  
 6     for the payment of expenses incurred by the county conservation  
 7     board in carrying out its powers and duties, and it may levy or cause  
 8     to be levied an annual tax, in addition to all other taxes, of not more  
 9     than one mill on the dollar of the assessed valuation of all real and  
 10    personal property subject to taxation within such county, upon proper  
 11    certification by said county conservation board made pursuant to and  
 12    in compliance with all of the provisions of chapter 24, which tax shall  
 13    be collected by the county treasurer as other taxes are collected, and  
 14    shall be paid into a separate and distinct fund to be known as the  
 15    county conservation fund, to be paid out upon the warrants drawn  
 16    by the county auditor upon requisition of the county conservation  
 17    board for the payment of expenses incurred in carrying out the powers  
 18    and duties of said conservation board. The county conservation board  
 19    shall have no power or authority to contract any debt or obligation  
 20    in any year in excess of the moneys in the hands of the county treas-  
 21    urer immediately available for such purposes, *except the board of*  
 22    *supervisors may authorize deferred payments for land acquisition*  
 23    *purchases not to exceed a one-quarter mill of the annual conservation*  
 24    *fund levy nor to extend over a period of ten years.* Any single expen-  
 25    diture of, or contract to expend, a sum of five thousand dollars shall  
 26    be subject to the provisions of chapter 23. Gifts, contributions and  
 27    bequests of money and all rent, licenses, fees and charges and other  
 28    revenue or money received or collected by the board shall be deposited

29 in the county conservation fund to be used for the purchase of land,  
 30 property and equipment and the payment of expenses incurred in  
 31 carrying out the activities of the board, except that moneys given,  
 32 bequeathed, or contributed upon specified trusts shall be held and  
 33 applied in accordance with the trust specified.

Approved June 14, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 127

### CONSERVATION COMMISSION LEASES

#### H. F. 14

AN ACT relating to the leasing of property by the state conservation commission.

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

1 SECTION 1. Section one hundred eleven point twenty-five (111.25),  
 2 Code 1971, is amended as follows:  
 3 111.25 Leases. The commission may [, with the approval of the  
 4 executive council,] *recommend that the executive council lease* [for  
 5 periods not exceeding five years such parts of the] property under  
 6 [its] *the commission's* jurisdiction [as to it may seem advisable]. All  
 7 leases shall reserve to the public of the state the right to enter upon  
 8 the property leased for any lawful purpose. *The council may, if it*  
 9 *approves the recommendation and the lease to be entered into is for*  
 10 *five years or less, execute the lease in behalf of the state and commis-*  
 11 *sion. If the recommendation is for a lease in excess of five years,*  
 12 *with the exception of agricultural lands specifically dealt with in Arti-*  
 13 *cle one (I), Section twenty-four (24) of the Constitution of Iowa, the*  
 14 *council shall advertise for bids therefor as provided in section nine-*  
 15 *teen point twenty (19.20). If a bid is accepted, the lease shall be let*  
 16 *or executed by the council as provided in section nineteen point*  
 17 *twenty-one (19.21), except that the lease shall be let or executed in*  
 18 *accordance with the most desirable bid. The lease shall not be exe-*  
 19 *cuted for a term longer than fifty years. Any such leasehold interest,*  
 20 *including any improvements placed thereon, shall be listed on the*  
 21 *tax rolls as provided in chapters four hundred twenty-eight (428)*  
 22 *and four hundred forty-three (443); assessed and valued as provided*  
 23 *in chapter four hundred forty-one (441); taxes levied thereon as pro-*  
 24 *vided in chapter four hundred forty-four (444); collected as pro-*  
 25 *vided in chapter four hundred forty-five (445); and subject to tax*  
 26 *sale, redemption, and apportionment of taxes as provided in chapters*  
 27 *four hundred forty-six (446), four hundred forty-seven (447), and*  
 28 *four hundred forty-eight (448). It shall be the duty of the lessee to*  
 29 *discharge and pay all such taxes.*

Approved May 28, 1971.

†See Editor's note, page iii.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 128†

## FIREARMS IN STATE PRESERVES

S. F. 158

AN ACT relating to the use of firearms on state preserves.

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

1 SECTION 1. Section one hundred eleven point forty-two (111.42),  
 2 Code 1971, is amended by striking the section and inserting in lieu  
 3 thereof the following:  
 4 111.42 Use of firearms prohibited—exceptions. The use by the  
 5 public of firearms, fireworks, explosives, and weapons of all kinds is  
 6 prohibited in all state parks and preserves, except preserves or por-  
 7 tions of preserves designated as hunting areas by the state advisory  
 8 board on preserves upon the request of the state conservation com-  
 9 mission. However, any person may use a bow and arrow with at-  
 10 tached bow fishing reel and ninety-pound minimum line attached to  
 11 the arrow to take rough fish under rules and regulations prescribed  
 12 by the state conservation commission.

Approved March 5, 1971.

†See Editor's note, page iii.

## CHAPTER 129†

## PUBLIC RECREATION ON PRIVATE LANDS

S. F. 28

AN ACT relating to public recreation on private lands.

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

1 SECTION 1. Section one hundred eleven C point two (111C.2),  
 2 subsection three (3), Code 1971, is amended as follows:  
 3 3. "Recreational purpose" means the following or any combination  
 4 thereof: Hunting, horseback riding, fishing, swimming, boating,  
 5 camping, picnicking, hiking, pleasure driving, nature study, water  
 6 skiing, winter sports, and viewing or enjoying historical, archeo-  
 7 logical, scenic, or scientific sites while going to and from or actually  
 8 engaged therein.

Approved March 5, 1971.

†See Editor's note, page iii.

## CHAPTER 130

## PUBLIC RECREATION ON PRIVATE LANDS

H. F. 446

AN ACT relating to public recreation on private lands.

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

- 1 SECTION 1. Section one hundred eleven C point two (111C.2), sub-  
 2 section three (3), Code 1971, as amended by Senate File 28, Acts of  
 3 the Sixty-fourth General Assembly, First Session, is further amended  
 4 as follows:  
 5 3. "Recreational purpose" means the following or any combination  
 6 thereof: Hunting, horseback riding, fishing, swimming, boating,  
 7 camping, picnicking, hiking, pleasure driving, *motorcycling*, nature  
 8 study, water skiing, *snowmobiling*, *other summer and winter sports*,  
 9 and viewing or enjoying historical, [archeological] *archaeological*,  
 10 scenic, or scientific sites while going to and from or actually engaged  
 11 therein.

Approved June 14, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 131

## LIQUOR AND BEER CONTROL

H. F. 172

AN ACT relating to a reorganization of the Iowa liquor control commission; creating an Iowa beer and liquor control department; providing for the appointment of an Iowa beer and liquor control council and a director of beer and liquor control and designating their powers and duties; creating a division of beer and liquor law enforcement in the department of public safety; amending provisions concerning liquor control licenses, special liquor permits, beer permits, and fees charged therefor; abolishing special distributors; altering dram shop liability; requiring certificates of compliance from distillers and brewers; declaring certain acts to be unlawful and providing penalties for violations; and otherwise amending current statutory provisions relating to the sale and possession of alcoholic liquor and beer in this state.

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

## DIVISION I

## GENERAL PROVISIONS RELATING TO ALCOHOLIC LIQUOR AND BEER

- 1 SECTION 1. **Public policy declared.** This Act shall be cited as the  
 2 "Iowa Beer and Liquor Control Act", and shall be deemed an exercise  
 3 of the police power of the state, for the protection of the welfare,  
 4 health, peace, morals, and safety of the people of the state, and all  
 5 its provisions shall be liberally construed for the accomplishment of  
 6 that purpose, and it is declared to be public policy that the traffic in  
 7 alcoholic liquors is so affected with a public interest that it should  
 8 be regulated to the extent of prohibiting all traffic in them, except as  
 9 provided in this Act.  
 1 SEC. 2. **General prohibition.** It shall be unlawful to manufacture  
 2 for sale, sell, offer or keep for sale, possess, or transport alcoholic

3 liquor or beer except upon the terms, conditions, limitations, and  
4 restrictions enumerated in this Act.

1 SEC. 3. **Definitions.** As used in this Act, unless the context other-  
2 wise requires:

3 1. "Council" means the Iowa beer and liquor control council estab-  
4 lished by this Act.

5 2. "Department" means the Iowa beer and liquor control depart-  
6 ment established by this Act, or any division of such department.

7 3. "Director" means the director of the Iowa beer and liquor con-  
8 trol department, appointed pursuant to the provisions of this Act,  
9 or his designee.

10 4. "Local authority" means the city or town council of any incor-  
11 porated city or town in this state, or the county board of supervisors  
12 of any county in this state, which is empowered by this Act to ap-  
13 prove or deny applications for retail beer permits and liquor control  
14 licenses; to recommend that such permits or licenses be granted and  
15 issued by the department; and to take such other actions as are re-  
16 served to them by this Act.

17 5. "Alcohol" means the product of distillation of any fermented  
18 liquor rectified one or more times, whatever may be the origin there-  
19 of, and includes synthetic ethyl alcohol.

20 6. "Spirits" means any beverage which contains alcohol obtained  
21 by distillation mixed with drinkable water and other substances in  
22 solution, including, but not limited to, brandy, rum, whisky, and gin.

23 7. "Wine" means any beverage containing alcohol obtained by the  
24 fermentation of the natural sugar contents of fruits or other agri-  
25 cultural products.

26 8. "Alcoholic liquor" or "alcoholic beverage" includes the three  
27 varieties of liquor defined in subsections five (5), six (6), and seven  
28 (7) of this section, except beer as defined in subsection nine (9) of  
29 this section but including all beverages made as described in such  
30 subsection which contain more than four percent of alcohol by weight,  
31 and every liquid or solid, patented or not, containing alcohol, spirits,  
32 or wine, and susceptible of being consumed by a human being, for bev-  
33 erage purposes.

34 9. "Beer" means any liquid capable of being used for beverage pur-  
35 poses made by the fermentation of an infusion in potable water of  
36 barley, malt and hops, with or without unmalted grains or decortica-  
37 cated and degerminated grains containing not more than four percent  
38 of alcohol by weight.

39 10. "Person" means any individual, association, partnership, cor-  
40 poration, club, hotel or motel, or municipal corporation owning or  
41 operating a bona fide airport, marina, park, coliseum, auditorium, or  
42 recreational facility in or at which the sale of alcoholic liquor or beer  
43 is only an incidental part of such ownership or operation.

44 11. "Person of good moral character" means any person who meets  
45 all of the following requirements:

46 a. He has such financial standing and good reputation as will  
47 satisfy the director that he will comply with this Act and all laws, or-  
48 dinances, and regulations applicable to his operations under this Act.

49 b. He does not possess a federal gambling stamp.

50 c. He is not prohibited by the provisions of section forty (40) of  
51 this Act from obtaining a liquor control license or beer permit.

- 52 d. Is a citizen of the United States and a resident of this state,  
53 or licensed to do business in this state in the case of a corporation.
- 54 e. He has not been convicted of a felony. However, if his conviction  
55 of a felony occurred more than five years before the date of the  
56 application for a license or permit, and if his rights of citizenship have  
57 been restored by the governor, the director may determine that he is  
58 a person of good moral character notwithstanding such conviction.
- 59 f. If such person is a corporation, partnership, association, club,  
60 or hotel or motel the requirements of this subsection shall apply to  
61 each of the officers, directors, and partners of such person, and to any  
62 person who directly or indirectly owns or controls ten percent or more  
63 of any class of stock of such person or has an interest of ten percent  
64 or more in the ownership or profits of such person. For the purposes  
65 of this provision, an individual and his spouse shall be regarded as  
66 one person.
- 67 12. "Residence" means the place where a person resides, permanently  
68 or temporarily.
- 69 13. "Permit" or "license" means an express written authorization  
70 issued by the department for the manufacture or sale, or both, of  
71 alcoholic liquor or beer.
- 72 14. "Application" means a formal written request for the issuance  
73 of a permit or license supported by a verified statement of facts.
- 74 15. "Manufacture" means to distill, rectify, ferment, brew, make,  
75 mix, concoct, or process any substance capable of producing a beverage  
76 containing more than one-half of one percent of alcohol by  
77 volume and includes blending, bottling, or the preparation for sale.
- 78 16. "Package" means any container or receptacle used for holding  
79 alcoholic liquor.
- 80 17. "Distillery", "winery", and "brewery" means not only the  
81 premises wherein alcohol or spirits is distilled, or rectified wine is  
82 fermented, or beer is brewed, but in addition a person owning, representing,  
83 or in charge of such premises and the operations conducted  
84 thereon, including the blending and bottling or other handling and  
85 preparation of alcoholic liquor or beer in any form.
- 86 18. "Brewer" means any person who manufactures beer for the  
87 purpose of sale, barter, exchange, or transportation.
- 88 19. "Importer" means the person transporting or ordering, authorizing,  
89 or arranging the transportation of alcoholic liquor or beer into  
90 this state whether such person is a resident of this state or not.
- 91 20. "Import" means the transporting or ordering or arranging the  
92 transportation of alcoholic liquor or beer into this state whether by a  
93 resident of this state or not.
- 94 21. "State liquor store" means a store established by the department  
95 under this Act for the sale of alcoholic liquor in the original  
96 package for consumption off the premises.
- 97 22. "Warehouse" means any premises or place primarily constructed  
98 or used or provided with facilities for the storage in transit  
99 or other temporary storage of perishable goods or for the conduct  
100 of normal warehousing business.
- 101 23. "Public place" means any place, building, or conveyance to  
102 which the public has or is permitted access.
- 103 24. The terms "in accordance with the provisions of this chapter",  
104 "pursuant to the provisions of this title", or similar terms shall



105 include all rules and regulations of the department adopted to aid  
106 in the administration or enforcement of those provisions.

107 25. The prohibited "sale" of alcoholic liquor or beer under this Act  
108 includes soliciting for sales, taking orders for sales, keeping or ex-  
109 posing for sale, delivery or other trafficking for a valuable considera-  
110 tion promised or obtained, and procuring or allowing procurement for  
111 any other person.

112 26. "Wholesaler" means any person, other than a brewer or bottler  
113 of beer, who shall sell, barter, exchange, offer for sale, have in pos-  
114 session with intent to sell, deal or traffic in alcoholic liquor or beer.  
115 No wholesaler shall be permitted to sell for consumption upon the  
116 premises.

117 27. "Retailer" means any person who shall sell, barter, exchange,  
118 offer for sale, or have in possession with intent to sell any alcoholic  
119 liquor for consumption on the premises where sold, or beer for con-  
120 sumption either on or off the premises where sold.

121 28. "Air common carrier" means a person engaged in transporting  
122 passengers for hire in interstate or foreign commerce by aircraft  
123 and operating regularly scheduled flights under a certificate of public  
124 convenience issued by the civil aeronautics board.

125 29. "Club" means any nonprofit corporation or association of  
126 individuals, which is the owner, lessee, or occupant of a permanent  
127 building or part thereof, membership in which entails the prepay-  
128 ment of regular dues and is not operated for a profit other than such  
129 profits as would accrue to the entire membership.

130 30. "Commercial establishment" means a place of business which  
131 is at all times equipped with sufficient tables and seats to accommo-  
132 date twenty-five persons at one time, and the licensed premises of  
133 which conform to the standards and specifications of the department.

134 31. "Licensed premises" or "premises" means all rooms or enclo-  
135 sures where alcoholic beverages or beer are sold or consumed under  
136 authority of a liquor control license or beer permit.

137 32. "Hotel" or "motel" means a premise licensed by the state de-  
138 partment of agriculture and regularly or seasonally kept open in a  
139 bona fide manner for the lodging of transient guests, and with twenty  
140 or more sleeping rooms.

141 33. "Legal age" means twenty-one years of age or more.

142 34. "Retail beer permit" means a class "B" or class "C" beer  
143 permit issued under the provisions of this Act.

1     **SEC. 4. Department created—place of business.** There is hereby  
2 created an Iowa beer and liquor control department to administer  
3 and enforce the laws of this state concerning beer and alcoholic  
4 liquor. The principal place of business of the department shall be in  
5 the city of Des Moines, and suitable quarters or offices shall be pro-  
6 vided the department in such city by the authority designated by law  
7 to provide such quarters or offices to state departments or agencies.

1     **SEC. 5. Council created.** There is hereby created within the de-  
2 partment an Iowa beer and liquor control council, composed of five  
3 members, not more than three of whom shall belong to the same  
4 political party. The council shall be held strictly accountable for the  
5 enforcement of the provisions of this Act.

1     **SEC. 6. Appointment—term—qualifications—compensation.** The  
2 governor shall appoint the initial members of the council for respec-  
3 tive terms of one, two, three, four, and five years, all of which shall  
4 commence January 1, 1972. Appointments thereafter shall be for five  
5 years and shall be made by the governor, subject to confirmation by  
6 two-thirds of the senate, within sixty days after the convening of the  
7 general assembly each year for the member whose term is to expire  
8 on the following July 1. Members of the council shall be chosen on  
9 the basis of managerial ability and experience as business executives.  
10 Members may be reappointed for one additional term. Each member  
11 appointed shall receive full compensation for their services of two  
12 thousand five hundred dollars per annum in addition to reasonable  
13 and necessary expenses while attending meetings.

1     **SEC. 7. Vacancies.** Any vacancy on said council which may  
2 occur when the general assembly is not in session shall be filled by  
3 appointment by the governor, which appointment shall expire at the  
4 end of thirty days following the organization of the next session  
5 of the general assembly. Prior to the expiration of said period of  
6 thirty days, the governor shall transmit to the senate for its approval  
7 an appointment for the unexpired portion of the regular term. Any  
8 vacancy occurring when the general assembly is in session shall be  
9 filled in the same manner as regular appointments are made, and be-  
10 fore the end of such session, and for the unexpired portion of the  
11 regular term.

1     **SEC. 8. Bonds.** Each council member shall post a bond, at the  
2 expense of the state, in such amount and with such sureties as the  
3 executive council shall approve to guarantee to the state the proper  
4 handling and accounting of such moneys and merchandise and other  
5 properties as may be required in the administration of this Act. It  
6 shall be the duty of the director to secure from all employees of the  
7 department holding positions of trust a bond with such sureties as  
8 the beer and liquor control council shall approve adequate to guar-  
9 antee to the state the proper handling and accounting of all moneys,  
10 merchandise, and other properties.

1     **SEC. 9. Council meetings.** The council shall meet as soon after  
2 January 1, 1972 as is possible and on July first of each year there-  
3 after for the purpose of selecting one of its members as chairman,  
4 which member shall serve in such capacity for the succeeding year.  
5 The council shall otherwise meet at the call of the chairman or when  
6 any three members file with the chairman a written request for a  
7 meeting. Written notice of the time and place of each meeting shall  
8 be given to each member of the council. All council meetings shall be  
9 held within the state. A majority of the council members shall con-  
10 stitute a quorum.

1     **SEC. 10. Director appointed.** The council shall appoint, with the  
2 approval of two-thirds of the senate, a director of beer and liquor  
3 control, who shall in no event be a member of the council, at a salary  
4 of not more than twenty-five thousand dollars per annum. Subse-  
5 quent changes in such salary may be made by the general assembly.  
6 The director shall be qualified to perform his duties by managerial  
7 ability and experience as a business executive; shall post a bond paid

8 from the general fund of the state in an amount to be determined  
9 by the council to insure proper discharge of his duties; and shall act  
10 in the name of and serve at the pleasure of the council.

11 The director shall devote full time to the discharge of his duties.  
12 He shall not hold any other elective or appointive office under the  
13 laws of this state, the United States, or any other state or territory.  
14 He shall not accept or solicit, directly or indirectly, contributions or  
15 anything of value in behalf of himself, any political party, or any  
16 person seeking an elective or appointive office nor use his official  
17 position to advance the candidacy of anyone seeking an elective or  
18 appointive office. The director, his spouse, and immediate family  
19 shall not have any interest in any distillery, winery, brewery, im-  
20 porter, permittee or licensee or any business which is subject to  
21 license or regulation pursuant to this Act.

1 **SEC. 11. Expenses.** Members of the council, the director, and  
2 other employees of the department shall be allowed their actual  
3 and necessary expenses while traveling on business of the depart-  
4 ment outside of their place of residence, however, an itemized account  
5 of such expenses shall be verified by the claimant and approved by  
6 the director. If such account is paid, the same shall be filed with  
7 the department and be and remain a part of its permanent records.  
8 All expenses and salaries of council members, the director, and other  
9 employees shall be paid from appropriations for such purposes and  
10 the department shall be subject to the budget requirements of chap-  
11 ter eight (8) of the Code.

1 **SEC. 12. Removal.** Any council member shall be removed for any  
2 of the causes and in the manner provided by chapter sixty-six (66)  
3 of the Code relating to removal from office; such removal shall not be  
4 in lieu of any other punishment that may be prescribed by the laws  
5 of this state.

1 **SEC. 13. Exemption from suit.** No council member or officer or  
2 employee of the department shall be personally liable for damages  
3 sustained by any person due to the act of such member, officer, or  
4 employee performed in the reasonable discharge of his duties as  
5 enumerated in this Act.

1 **SEC. 14. Beer and liquor law enforcement.**

2 1. The division of beer and liquor law enforcement of the depart-  
3 ment of public safety, created pursuant to section one hundred forty-  
4 seven (147) of this Act, shall be the primary beer and liquor law-  
5 enforcement authority for this state.

6 2. The other law-enforcement divisions of the department of pub-  
7 lic safety, the county attorney, the county sheriff and his deputies,  
8 and the police department of every city, including the day and night  
9 marshal of any incorporated town, shall be supplementary aids to the  
10 division of beer and liquor law enforcement. Any neglect, misfea-  
11 sance, or malfeasance shown by any peace officer included in this sec-  
12 tion shall be sufficient cause for his removal as provided by law.  
13 Nothing in this section shall be construed to affect the duties and  
14 responsibilities of any county attorney or peace officer with respect  
15 to law enforcement.

16 3. The division of beer and liquor law enforcement shall be allowed  
17 full access to all records, reports, audits, tax reports and all other  
18 documents and papers in the department pertaining to liquor licensees  
19 and beer permittees and their business.

1 **SEC. 15. Hearing board established.** There is hereby created a  
2 three-member hearing board for the purpose of conducting depart-  
3 mental hearings relating to controversies concerning the issuance,  
4 suspension, or revocation of special liquor permits, liquor control  
5 licenses, and beer permits authorized under this Act. One member  
6 shall be appointed by the council from its membership, which member  
7 may be periodically replaced by appointment of another council mem-  
8 ber; one member shall be the attorney general or his designee; and  
9 one member shall be the commissioner of public safety or his des-  
10 ignee. The hearing board shall establish and adopt rules and pro-  
11 cedures for conducting departmental hearings under this Act.

1 **SEC. 16. Functions of council and director.**  
2 1. The council shall, in addition to the duties specifically enumer-  
3 ated in this Act, act as a department policy-making body and serve  
4 in an advisory capacity to the director. The director shall be respon-  
5 sible for supervising the daily operations of the department and shall  
6 execute the policies of the department as determined by the council.  
7 2. The council may review and affirm, reverse, or amend all actions  
8 of the director, including but not limited to the following instances:  
9 a. Purchases of alcoholic liquor for resale by the department.  
10 b. The granting or refusing of liquor licenses and permits, and  
11 beer permits, and the suspension or revocation of such licenses and  
12 permits.  
13 c. The establishment of retail prices of alcoholic liquor.  
14 d. The establishment or discontinuance of state liquor stores.

1 **SEC. 17. Prohibition on council members and employees.** Council  
2 members, officers, and employees of the department shall not, while  
3 holding such office or position, hold any other office or position under  
4 the laws of this state, or any other state or territory or of the United  
5 States; nor engage in any occupation, business, endeavor, or activity  
6 which would or does conflict with his duties under this Act; nor,  
7 directly or indirectly, use his office or employment to influence, per-  
8 suade, or induce any other officer, employee, or person to adopt his  
9 political views or to favor any particular candidate for an elective  
10 or appointive public office; nor, directly or indirectly, solicit or accept,  
11 in any manner or way, any money or other thing of value for any per-  
12 son seeking an elective or appointive public office, or to any political  
13 party or any group of persons seeking to become a political party.  
14 Any officer or employee violating this section or any other provisions  
15 of this Act shall, in addition to any other penalties provided by law,  
16 be subject to suspension or discharge from his employment. Any  
17 council member shall, in addition to any other penalties provided by  
18 law, be subject to removal from office as provided by law.

1 **SEC. 18. Favors from licensee or permittee.** No person respon-  
2 sible for the administration or enforcement of this Act shall accept  
3 or solicit donations, gratuities, political advertising, gifts, or other  
4 favors, directly or indirectly, from any liquor control licensee or beer

5 permittee. A violation of this section shall subject the violator to the  
6 general penalties provided by this Act.

1 **SEC. 19. Distiller's certificate of compliance.**

2 1. Any manufacturer, distiller, vintner, or importer of alcoholic  
3 beverages shipping, selling, or having alcoholic beverages brought  
4 into this state for resale by the state shall, as a condition precedent  
5 to the privilege of so trafficking in alcoholic liquors in this state,  
6 annually make application for and shall hold a distiller's certificate  
7 of compliance which shall be issued by the director for such pur-  
8 pose. No brand of alcoholic liquor shall be sold by the department  
9 in this state unless the manufacturer, distiller, vintner, importer,  
10 and all other persons participating in the distribution of such brand  
11 in this state have obtained such certificate. Such certificate of com-  
12 pliance shall expire at the end of one year from the date of issuance  
13 and shall be renewed for a like period upon application to the director  
14 unless otherwise suspended or revoked for cause. Each application  
15 for a certificate of compliance or renewal thereof shall be made in  
16 such manner and upon such forms as shall be prescribed by the  
17 director and shall be accompanied by a fee of fifty dollars payable  
18 to the department. However, the provisions of this subsection need  
19 not apply to a manufacturer, distiller, vintner, or importer who  
20 ships or sells in this state no more than eleven gallons or its case  
21 equivalent during any fiscal year as a result of "special orders"  
22 which might be placed, as defined and allowed by departmental rules  
23 adopted under this Act.

24 2. At the time of applying for a certificate of compliance, each  
25 applicant shall file with the department the name and address of its  
26 authorized agent for service of process which shall remain effective  
27 until changed for another and a list of names and addresses of all  
28 representatives, employees, or attorneys whom they may have  
29 appointed in the state of Iowa to represent them for any purpose.  
30 The listing of such representatives, employees, or attorneys shall be  
31 amended from time to time by the certificate holder as necessary to  
32 keep such listing current with the department.

33 3. The director and the attorney general are authorized to require  
34 any certificate holder or person listed as his representative, em-  
35 ployee, or attorney to disclose such financial and other records and  
36 transactions as may be considered relevant in discovering violations  
37 of this Act or of rules and regulations of the department or of any  
38 other provision of law by any person.

39 4. Any violation of the requirements of this section, except sub-  
40 section three (3), shall subject the violator to the general penalties  
41 provided in this Act and in addition thereto shall be grounds for  
42 suspension or revocation of the certificate of compliance, after notice  
43 and hearing before the department hearing board. Willful failure  
44 to comply with requirements which may be imposed under sub-  
45 section three (3) of this section shall be grounds for suspension or  
46 revocation of the certificate of compliance only. Decisions of the  
47 hearing board concerning such suspension or revocation shall be  
48 binding upon all parties.

49 5. This section shall not require the listing of those persons who  
50 are employed on premises where alcoholic beverages are manufac-

51 tured, processed, bottled or packaged in Iowa or to persons who are  
52 thereafter engaged in the transporting of such alcoholic beverages  
53 to the department.

54 6. The attorney general may also proceed pursuant to the provi-  
55 sions of section seven hundred thirteen point twenty-four (713.24)  
56 of the Code in order to gain compliance with subsection three (3)  
57 of this section and may obtain an injunction prohibiting any further  
58 violations of this Act or other provisions of law. Any violation of  
59 that injunction shall be punished as contempt of court pursuant to  
60 chapter six hundred sixty-five (665) of the Code except that the  
61 maximum fine that may be imposed shall not exceed fifty thousand  
62 dollars.

1 SEC. 20. **Powers.** The director, in executing departmental func-  
2 tions, shall have the following duties and powers:

3 1. To purchase alcoholic liquors for resale by the department in  
4 the manner set forth in this Act.

5 2. To establish, maintain, or discontinue state liquor stores and to  
6 determine the cities and towns in which such stores shall be located.  
7 However, no liquor store shall be established within three hundred  
8 feet of any public or private educational institution, except that local  
9 authorities may by ordinance reduce such minimum distance.

10 3. To rent, lease, or equip any building or any land necessary to  
11 carry out the provisions of this Act.

12 4. To lease all plants and lease or buy equipment necessary to  
13 carry out the provisions of this Act.

14 5. To appoint vendors, clerks, agents, or other employees required  
15 for carrying out the provisions of this Act; to dismiss such employees  
16 for cause; to assign such employees to such divisions as may be  
17 created by the director within the department; and to designate  
18 their title, duties, and powers. All employees of the department,  
19 except occasional or part-time employees and the director, shall be  
20 subject to the provisions of chapter nineteen A (19A) of the Code.

21 6. To grant and issue beer permits, special permits, liquor control  
22 licenses, and other licenses; and to suspend or revoke all such per-  
23 mits and licenses for cause under this Act.

24 7. To license, inspect, and control the manufacture of beer and  
25 alcoholic liquors and regulate the entire beer and liquor industry in  
26 the state.

1 SEC. 21. **Rules and regulations.** The director may, with the  
2 approval of the council and subject to the provisions of chapter sev-  
3 enteen A (17A) of the Code, make such rules and regulations as are  
4 necessary to carry out the provisions of this Act. Such authority  
5 shall extend to but not be limited to the following:

6 1. Prescribing the duties of officers, vendors, clerks, agents, or  
7 other employees of the department and regulating their conduct  
8 while in the discharge of their duties.

9 2. Regulating the management, equipment, and merchandise of  
10 state liquor stores and warehouses in and from which alcoholic  
11 liquors are transported, kept, or sold and prescribing the books and  
12 records to be kept therein.

13 3. Regulating the purchase of alcoholic liquor generally and the  
14 furnishing of such liquor to state liquor stores established under

15 this Act, determining the classes, varieties, and brands of alcoholic  
16 liquors to be kept in state warehouses or for sale at any state liquor  
17 store.

18 4. Prescribing forms or information blanks to be used for the  
19 purposes of this Act. The department shall prepare, print, and fur-  
20 nish all forms and information blanks required under this Act.

21 5. Prescribing the nature and character of evidence which shall be  
22 required to establish legal age.

23 6. Providing for the issuing and distributing of price lists show-  
24 ing the price to be paid by purchasers for each brand, class, or variety  
25 of liquor kept for sale under this Act. Provide for the filing or post-  
26 ing of prices between class "A" beer permit holders and retailers as  
27 provided in this Act, and establish or control such prices as may be  
28 based on minimum standards of fill, quantity, or alcoholic content  
29 for each individual sale of intoxicating liquor or beer as deemed  
30 necessary for retail or consumer protection.

31 7. Prescribing the official seals, labels, or other markings which  
32 shall be attached to or stamped on packages of alcoholic liquor sold  
33 under this Act.

34 8. Prescribing, subject to this Act, the days and hours during  
35 which state liquor stores shall be kept open for the purpose of the  
36 sale of alcoholic liquors.

37 9. Prescribing the place and the manner in which alcoholic liquor  
38 may be lawfully kept or stored by the licensed manufacturer under  
39 this Act.

40 10. Prescribing the time, manner, means, and method by which  
41 distillers, vintners, vendors, or others authorized under this Act may  
42 deliver or transport alcoholic liquors and prescribing the time, man-  
43 ner, means, and methods by which alcoholic liquor may be lawfully  
44 conveyed, carried, or transported.

45 11. Prescribing, subject to the provisions of this Act, the conditions  
46 and qualifications necessary for the obtaining of licenses and permits  
47 and the books and records to be kept and the remittances to be made  
48 by those holding licenses and permits and providing for the inspec-  
49 tion of the records of all such licensees and permittees.

1 SEC. 22. **State monopoly.** The department shall have the sole  
2 and exclusive right of importation, into the state, of all forms of  
3 alcoholic liquor, except as otherwise provided in this Act, and no  
4 person shall so import any such alcoholic liquor, except that an  
5 individual of legal age may import and have in his possession an  
6 amount of alcoholic liquor not exceeding one quart or, in the case of  
7 alcoholic liquor personally obtained outside the United States, one  
8 gallon for personal consumption only in a private home or other  
9 private accommodation. No distillery shall sell any alcoholic liquor  
10 within the state to any person but only to the department, except  
11 as otherwise provided in this Act. It is the intent of this section to  
12 vest in the department exclusive control within the state both as  
13 purchaser and vendor of all alcoholic liquor sold by distilleries within  
14 the state or imported therein, except beer, and except as otherwise  
15 provided in this Act.

16 No person, by himself or through another acting for him shall  
17 directly or indirectly, or upon any pretense, or by any device, manu-

18 facture, sell, exchange, barter, dispense, give in consideration of  
19 the purchase of any property or of any services or in evasion of this  
20 Act, or keep for sale, or have possession of any intoxicating liquor,  
21 except as provided in this Act; or own, keep, or be in any way con-  
22 cerned, engaged, or employed in owning or keeping, any intoxicating  
23 liquor with intent to violate any provision of this Act, or authorize  
24 or permit the same to be done; or manufacture, own, sell, or have  
25 possession of any manufactured or compounded article, mixture or  
26 substance, not in a liquid form, and containing alcohol which may  
27 be converted into a beverage by a process of pressing or straining  
28 the alcohol therefrom, or any instrument intended for use and cap-  
29 able of being used in the manufacture of intoxicating liquor; or own  
30 or have possession of any material used exclusively in the manufac-  
31 ture of intoxicating liquor; or use or have possession of any material  
32 with intent to use it in the manufacture of intoxicating liquors;  
33 however, alcohol may be manufactured for industrial and nonbever-  
34 age purposes by persons who have qualified for that purpose as  
35 provided by the laws of the United States and the laws of this state.  
36 Such alcohol, so manufactured, may be denatured, transported, used,  
37 possessed, sold, and bartered and dispensed, subject to the limita-  
38 tions, prohibitions and restrictions imposed by the laws of the  
39 United States and this state. Any person may manufacture, sell,  
40 or transport ingredients and devices other than alcohol for the mak-  
41 ing of home-made wine.

1 **SEC. 23. State liquor stores.** The department shall establish and  
2 maintain in any city or incorporated town which the director may  
3 deem advisable, a state liquor store or stores for storage and sale of  
4 alcoholic liquor in accordance with the provisions of this Act. The  
5 department may, from time to time, as determined by the director,  
6 fix the prices of the different classes, varieties, or brands of alcoholic  
7 liquor to be sold.

1 **SEC. 24. Vendors—cash sales.** In the conduct and management  
2 of state liquor stores the director is empowered to employ a person  
3 who shall be known as a “vendor” who shall, subject to the direc-  
4 tions of the director, observe all provisions of this Act and the rules  
5 and regulations of the department. No vendor of any state liquor  
6 store shall sell alcoholic liquor to any person except for cash.

1 **SEC. 25. Consumption on premises.** No vendor, officer, clerk,  
2 agent, or employee of the department employed in any state liquor  
3 store or state-owned warehouse shall allow any alcoholic liquor to  
4 be consumed on such premises, nor shall any person consume any  
5 liquor on such premises.

1 **SEC. 26. Restrictions on sales—seals—labeling.** No alcoholic  
2 liquor shall be sold by the department to any purchaser except in a  
3 sealed container with such identifying markers as shall be prescribed  
4 by the director and affixed on the premises of a state warehouse or  
5 store and no such container shall be opened upon the premises of  
6 any state warehouse or store. Possession of alcoholic liquors which  
7 do not carry the prescribed identifying markers shall be a violation  
8 of this Act except as provided in section twenty-two (22) of this  
9 Act.



1     **SEC. 27. Sales prohibited.** It shall be unlawful to transact the  
 2 sale or delivery of any liquor in, on, or from the premises of any  
 3 state liquor store or warehouse:

- 4         1. After the closing hour as established by the director.
- 5         2. On any legal holiday.
- 6         3. On any Sunday.
- 7         4. During such other periods or days as may be designated by the  
 8 director.

1     **SEC. 28. Transportation permitted.** It shall be lawful to trans-  
 2 port, carry, or convey alcoholic liquors from the place of purchase  
 3 by the department to any state warehouse, store, or depot established  
 4 by the department or from one such place to another and, when so  
 5 permitted by this Act, it shall be lawful for any common carrier or  
 6 other person to transport, carry, or convey alcoholic liquor sold by a  
 7 vendor from a state warehouse, store, depot or point of purchase by  
 8 the state to any place to which such liquor may be lawfully delivered  
 9 under this Act. No common carrier or other person shall break or  
 10 open or allow to be broken or opened any container or package con-  
 11 taining alcoholic liquor or use or drink or allow to be used or drunk  
 12 any alcoholic liquor while it is being transported or conveyed, but  
 13 this section shall not prohibit a private person from transporting  
 14 individual bottles or containers of alcoholic liquor exempted pursuant  
 15 to section twenty-two (22) of this Act and individual bottles or  
 16 containers bearing the identifying mark prescribed in section twenty-  
 17 six (26) of this Act which have been opened previous to the com-  
 18 mencement of such transportation. Nothing in this section shall  
 19 affect the right of any special permit or liquor control license holder  
 20 to purchase, possess, or transport alcoholic liquors subject to the  
 21 provisions of this Act.

1     **SEC. 29. Special permits.** A special permit for the purchase,  
 2 possession, or transportation of alcoholic liquors for the purposes  
 3 specified in those permits may be issued by the director upon appli-  
 4 cation being made to the department in the form and manner pre-  
 5 scribed by the director, accompanied by payment of the prescribed  
 6 fee, and upon the director being satisfied that the applicant has  
 7 complied with departmental rules and regulations established for  
 8 the issuance of such permit. Such special permits may be issued to  
 9 the following persons and for the following purposes:

10         1. To a physician, pharmacist, dentist, or veterinarian, entitling  
 11 the holder to purchase liquor from the state liquor stores for use  
 12 medicinally and in compounding prescriptions and to sell the same  
 13 for use medicinally in the compounded prescription only upon the  
 14 prescription of a licensed physician or surgeon, or to use such liquor  
 15 in manufacturing or compounding lotions, compounds, and like com-  
 16 modities not susceptible for beverage purposes, and to sell the same  
 17 for public use.

18         2. To a soldiers home, sanitarium, hospital, college, or home for  
 19 the aged which will entitle the holder to purchase liquor from the  
 20 state liquor stores for use for medicinal, laboratory, and scientific  
 21 purposes only.

22         3. To any minister, priest, or rabbi of any church or denomination  
 23 which uses vinous liquor in its sacramental ceremonies. The holder

24 of such a permit may purchase, have shipped by interstate or intra-  
25 state common carrier, and possess vinous liquor for sacramental  
26 purposes.

27 4. To manufacturers of patent and proprietary medicines, tinc-  
28 tures, food products, extracts, toilet articles and perfumes, and  
29 like commodities, none of which are susceptible of use as a beverage,  
30 but which contain alcoholic liquor as one of their ingredients. Any  
31 individual, or member of a firm, or officer of a corporation, desiring  
32 such permit shall file an affidavit with the department stating the  
33 following facts:

34 a. The name, place of business, and post office address of the  
35 person desiring such permit.

36 b. The business in which said person is engaged and the articles  
37 manufactured in such business which require in their manufacture  
38 the use of alcoholic liquors.

39 c. That the applicant, if he is an individual, or any members of  
40 the firm or officers of the corporation, if the applicant is not an  
41 individual, has been convicted of any violation of the laws of this  
42 state with reference to the sale of alcoholic liquors within the three  
43 years preceding the date of the affidavit.

44 If the director is satisfied that the facts stated in such affidavit  
45 are true and that the applicant is a person fit and proper to be  
46 entrusted with the permit applied for, it shall be issued upon the  
47 filing by the applicant of a bond in the penal sum of two thousand  
48 dollars, with approved sureties, conditioned that the applicant will  
49 faithfully observe the provisions of this Act.

50 Such special permit shall entitle the holder to import into the  
51 state, or purchase from licensed distillers within the state or from  
52 the department, alcoholic liquors for use in manufacture in accord-  
53 ance with the terms of said permit, and to sell the product of such  
54 manufacture.

55 It shall be the duty of every manufacturer holding a special permit  
56 under the provisions of this subsection, whenever such manufacturer  
57 purchases alcoholic liquor from any source other than the depart-  
58 ment, to immediately file with the department a report of the receipt  
59 of such liquor in accordance with rules and regulations adopted by  
60 the director.

61 Every person holding a special liquor permit under this Act shall  
62 fill out in duplicate, on forms furnished by the department, the  
63 amount and kinds of liquors purchased, and shall retain one copy  
64 in his establishment for a period of two years. The vendor of the  
65 state liquor store at which the purchase was made shall monthly  
66 forward the other copy to the department.

67 Nothing in this section shall prohibit the legitimate sale of patent  
68 and proprietary medicines, tinctures, food products, extracts, toilet  
69 articles and perfumes, and like commodities, none of which are sus-  
70 ceptible of use as a beverage but which contain alcoholic liquor as  
71 one of their ingredients, through the ordinary retail or wholesale  
72 channels.

1 **SEC. 30. Liquor control licenses.**

2 1. Upon posting bond in the penal sum of five thousand dollars  
3 with surety and conditions prescribed by the director, which bond  
4 shall be conditioned upon the payment of all taxes payable to the

5 state under the provisions of this Act and compliance with all pro-  
6 visions of this Act, a liquor control license may be issued to any  
7 person who, or whose officers, in the case of a club or corporation, or  
8 whose partners, in the case of a partnership, is of good moral char-  
9 acter as defined by this Act.

10 As a further condition for issuance of a liquor control license, the  
11 applicant must give consent to members of the fire, police and health  
12 departments and the building inspector of cities and towns; the  
13 county sheriff, deputy sheriff, and state agents, and any official  
14 county health officer to enter upon the premises without a warrant  
15 to inspect for violations of the provisions of this Act or ordinances  
16 and regulations that cities and towns and boards of supervisors may  
17 adopt.

18 2. No liquor control license shall be issued for premises which do  
19 not conform to all applicable laws, ordinances, resolutions, and health  
20 and fire regulations. Nor shall any licensee have or maintain any  
21 interior access to residential or sleeping quarters unless permission  
22 is granted by the director in the form of a living quarters permit.

23 3. Liquor control licenses issued under this Act shall be of the  
24 following classes:

25 a. CLASS "A". A class "A" liquor control license may be issued  
26 to a club and shall authorize the holder to purchase alcoholic liquors  
27 from the department only, and to sell such liquors, and beer, to bona  
28 fide members and their guests by the individual drink for consump-  
29 tion on the premises only.

30 b. CLASS "B". A class "B" liquor control license may be issued  
31 to a hotel or motel and shall authorize the holder to purchase alco-  
32 holic liquors from the department only, and to sell such liquors, and  
33 beer, to patrons by the individual drink for consumption on the  
34 premises only, however, beer may also be sold for consumption off  
35 the premises. Each such license shall be effective throughout the  
36 premises described in the application.

37 c. CLASS "C". A class "C" liquor control license may be issued to  
38 a commercial establishment but must be issued in the name of the  
39 individual or individuals who actually own the entire business and  
40 shall authorize the holder or holders to purchase alcoholic liquors  
41 from the department only, and to sell such liquors, and beer, to  
42 patrons by the individual drink for consumption on the premises  
43 only, however, beer may also be sold for consumption off the premises.

44 d. CLASS "D". A class "D" liquor control license may be issued  
45 to a railway corporation, to an air common carrier, and to passenger-  
46 carrying boats or ships for hire with a capacity of twenty-five  
47 persons or more operating in inland or boundary waters, and shall  
48 authorize the holder to sell or furnish alcoholic beverages and beer  
49 to passengers for consumption only on trains, watercraft as described  
50 herein, or aircraft, respectively. Each such license shall be valid  
51 throughout the state as a state license. Only one such license shall  
52 be required for all trains, watercraft, or aircraft operated in the  
53 state by the licensee.

1 SEC. 31. **Application contents.** Verified applications for the origi-  
2 nal issuance or the renewal of liquor control licenses shall be filed  
3 at such time and in such number of copies as the director shall pre-

4 scribe, on forms prescribed by the director, and, except as provided  
5 in section thirty-five (35) of this Act, shall set forth under oath the  
6 following information:

- 7 a. The name and address of the applicant.  
8 b. The precise location of the premises for which a license is  
9 sought.  
10 c. The names and addresses of all persons, in the case of a cor-  
11 poration, the officers, directors, and persons owning or controlling  
12 ten percent or more of the capital stock thereof, having a financial  
13 interest, by way of loan, ownership, or otherwise, in the business.  
14 d. When required by the director, a sketch or drawing of the  
15 premises proposed to be licensed, in such form and containing such  
16 information as the director may require.  
17 e. A statement whether any person specified in paragraph "c" of  
18 this subsection has ever been convicted of any offense against the  
19 laws of the United States, or any state or territory thereof, or any  
20 political subdivision of any such state or territory.  
21 f. A statement whether the applicant or any person specified in  
22 paragraph "c" of this subsection possesses a federal gambling stamp.  
23 g. Such other information as the director shall require.

1 **SEC. 32. Action by authorities on applications for liquor control**  
2 **licenses and beer permits.**

3 1. **Filing of application.** An application for a class "A", class "B",  
4 or class "C" liquor control license, and for a retail beer permit as  
5 provided in sections one hundred twenty-eight (128) and one hun-  
6 dred twenty-nine (129) of this Act, accompanied by the required  
7 fee and bond, shall be filed with the appropriate city or town coun-  
8 cil if the premises for which the license or permit is sought are  
9 located within the corporate limits of a city or town, or with the  
10 board of supervisors if the premises for which the license or permit  
11 is sought are located outside the corporate limits of a city or town.  
12 An application for a class "D" liquor control license and for a class  
13 "A" beer permit, accompanied by the required fee and bond, shall  
14 be filed with the department, which shall proceed in the same man-  
15 ner as in the case of an application approved by local authorities.

16 2. **Action by local authorities.** The local authority shall either  
17 approve or disapprove the issuance of a liquor control license or  
18 retail beer permit, and shall endorse such approval or disapproval on  
19 the application and forward same along with the required fee and  
20 bond to the department. The fact that the local authority deter-  
21 mines that no liquor control license or retail beer permit shall be  
22 issued shall not be held to be arbitrary, capricious, or without reason-  
23 able cause. There shall be no limit upon the number of liquor con-  
24 trol licenses or retail beer permits which may be approved for issu-  
25 ance by local authorities.

26 3. **Action by director.** Upon receipt of an application having been  
27 disapproved by the local authority, the director shall disapprove  
28 the application, so notify the applicant by registered mail, and return  
29 the fee and bond to the applicant. Upon receipt of an application  
30 having been approved by the local authority, the director shall  
31 make such investigation as he deems necessary and may require the  
32 applicant to appear before him and be examined under oath regard-  
33 ing any matters pertinent to the application, in which case a record

34 shall be made of all testimony or evidence and the same shall be-  
 35 come a part of the application. If the application is approved by  
 36 the director, the license or permit applied for shall be issued. If  
 37 the application is disapproved by the director, the applicant and the  
 38 appropriate local authority shall be so notified by restricted certified  
 39 mail, and the fee and bond returned to the applicant.

40 **4. Appeal to hearing board.** Any applicant for a liquor control  
 41 license or beer permit may appeal to the department hearing board,  
 42 established pursuant to section fifteen (15) of this Act, from the  
 43 director's disapproval of an application for a license or permit. If,  
 44 upon such appeal the hearing board shall determine that the local  
 45 authority acted arbitrarily, capriciously, or without reasonable cause  
 46 in disapproving the application, or that, where the local authority  
 47 approved the application, the director's own disapproval should be  
 48 reversed, it shall order issuance of a license or permit. The same  
 49 right of appeal to the hearing board shall be afforded a liquor control  
 50 licensee or beer permittee whose license or permit has been  
 51 suspended or revoked under this Act, and the hearing board shall re-  
 52 duce the period of suspension or order reinstatement of such license  
 53 or permit for good cause shown.

54 **5. Appeal to courts.** Any applicant who feels aggrieved by a deci-  
 55 sion of the director or local authority disapproving, suspending, or  
 56 revoking issuance of a liquor control license or beer permit may, pro-  
 57 vided he has exercised his right of appeal to the hearing board as  
 58 provided in subsection four (4) of this section, appeal from said deci-  
 59 sion within ten days to the district court of the county wherein the  
 60 premises covered by the application are situated.

61 Where the hearing board on an appeal by an applicant finds that  
 62 the local authority acted arbitrarily, capriciously, or without reason-  
 63 able cause in disapproving an application and the director issues a  
 64 license or permit, the local authority may appeal from such decision  
 65 within ten days to the district court of the county wherein the  
 66 premises covered by the application are situated.

1 **SEC. 33. Records.** Every holder of a liquor control license shall  
 2 keep a daily record of the gross receipts of his business. Each bot-  
 3 tle emptied, except beer bottles, shall be broken immediately by the  
 4 licensee or his agent into a container provided for that purpose. The  
 5 records herein required and the premises of the licensee shall be  
 6 open to agents of the division of beer and liquor law enforcement  
 7 of the department of public safety during normal business hours of  
 8 the licensee.

1 **SEC. 34. Expiration—seasonal license or permit.** All liquor control  
 2 licenses and beer permits, unless sooner suspended or revoked,  
 3 shall expire one year from date of issuance. The director shall  
 4 cause sixty day's notice of such expiration to be given to each  
 5 licensee or permittee in writing. However, the director may issue  
 6 six-month or eight-month seasonal licenses or class "B" beer per-  
 7 mits for a proportionate part of the license or permit fee. No refund  
 8 shall be made for seasonal licenses or permits. No seasonal license  
 9 or permit shall be renewed except after a period of two months.

1 **SEC. 35. Simplified renewal procedure.** The director shall pre-  
 2 scribe simplified application forms for the renewal of liquor control

3 licenses and beer permits issued under the provisions of this Act,  
4 which may be filed by licensees and permittees in lieu of a detailed  
5 renewal application form when qualifications and qualification in-  
6 formation have not changed since the original issuance of the license  
7 or permit. Such simplified form shall require the licensee or per-  
8 mittee to verify under oath that the information contained in the  
9 original application remains current, and that no reason exists for  
10 the department's refusal to renew the license or permit as originally  
11 issued.

12 Such application, accompanied by the required fee and bond, shall  
13 be filed in the same manner as is provided for filing the initial appli-  
14 cation.

1 SEC. 36. Fees. The following fees shall be paid to the depart-  
2 ment annually for special liquor permits and liquor control licenses  
3 issued under sections twenty-nine (29) and thirty (30) of this Act  
4 respectively:

5 1. Special liquor permits, the sum of five dollars.

6 2. Class "A" liquor control licenses, the sum of six hundred dol-  
7 lars, except that for class "A" licenses in towns of less than two  
8 thousand population, and for clubs of less than two hundred fifty  
9 members, the license fee shall be four hundred dollars; however,  
10 the fee shall be two hundred dollars for any club which is a post,  
11 branch, or chapter of a veterans organization chartered by the Con-  
12 gress of the United States, if such club does not sell or permit the  
13 consumption of alcoholic beverages on the premises more than one  
14 day in any week, and if the application for a license states that such  
15 club does not and will not sell or permit the consumption of alco-  
16 holic beverages on the premises more than one day in any week.

17 3. Class "B" liquor control licenses, the sum as follows:

18 a. Hotels or motels located within the corporate limits of cities  
19 of ten thousand population and over, one thousand three hundred  
20 dollars.

21 b. Hotels and motels located within the corporate limits of cities  
22 of over three thousand and less than ten thousand population, one  
23 thousand and fifty dollars.

24 c. Hotels and motels located within the corporate limits of cities  
25 or towns of three thousand population and less, eight hundred dollars.

26 d. Hotels and motels located outside the corporate limits of any  
27 city or town, one thousand three hundred dollars.

28 4. Class "C" liquor control licenses, the sum as follows:

29 a. Commercial establishments located within the corporate limits  
30 of cities of ten thousand population and over, one thousand three  
31 hundred dollars.

32 b. Commercial establishments located within the corporate limits  
33 of cities or towns of over fifteen hundred and less than ten thousand  
34 population, nine hundred fifty dollars.

35 c. Commercial establishments located within the corporate limits  
36 of towns of fifteen hundred population or less, six hundred dollars.

37 d. Commercial establishments located outside the corporate lim-  
38 its of any city or town, a sum equal to that charged in the incorpo-  
39 rated city or town located nearest the premises to be licensed, and  
40 in case there is doubt as to which of two or more differing corporate

41 limits are the nearest, the license fee which is the larger shall pre-  
42 vail.

43 5. Class "D" liquor control licenses, the following sums:

44 a. For watercraft, one hundred fifty dollars.

45 b. For trains, five hundred dollars.

46 c. For air common carriers, each company shall pay a base annual  
47 fee of five hundred dollars and, in addition, shall quarterly remit to  
48 the department an amount equal to seven dollars for each gallon of  
49 alcoholic liquor sold, given away, or dispensed in or over this state  
50 during the preceding calendar quarter. The class "D" license fee for  
51 air common carriers shall be in lieu of any other fee or tax collected  
52 from such carriers in this state for the possession and sale of alco-  
53 holic liquor and beer.

54 The department shall credit all fees to the beer and liquor control  
55 fund and shall remit to the appropriate local authority, a sum equal  
56 to sixty-five percent of the fees collected for each class "A", class  
57 "B", or class "C" license covering premises located within their re-  
58 spective jurisdictions.

1 **SEC. 37. Power to license and levy taxes.** The power to estab-  
2 lish licenses and permits and levy taxes as imposed in Title VI of  
3 the Code is vested exclusively with the state. Unless specifically  
4 provided, no local authority shall levy a local tax on the sale of  
5 alcoholic beverages or beer, require the obtaining of a special license  
6 or permit for such sale on any establishment, or require the obtain-  
7 ing of a license by any person as a condition precedent to his em-  
8 ployment in the sale, serving, or handling of alcoholic beverages or  
9 beer within an establishment operating under a license or permit.

1 **SEC. 38. Nature of permit or license.** A special liquor permit,  
2 liquor control license, or beer permit shall be a purely personal priv-  
3 ilege and be revocable for cause. It shall not constitute property nor  
4 be subject to attachment and execution nor be alienable nor assign-  
5 able, and in any case it shall cease upon the death of the permittee  
6 or licensee. However, the director may in his discretion allow the  
7 executor or administrator of a permittee or licensee to operate the  
8 business of the decedent for a reasonable time not to exceed the  
9 expiration date of the permit or license. Every permit or license  
10 shall be issued in the name of the applicant and no person holding  
11 a permit or license shall allow any other person to use same.

12 Any such licensee or permittee, or his executor, administrator, or  
13 any person duly appointed by the court to take charge of and admin-  
14 ister the property or assets of the licensee or permittee for the  
15 benefit of his creditors, may voluntarily surrender such license or  
16 permit to the department and when so surrendered the department  
17 shall notify the local authority, and the department and such local  
18 authority, or the local authority by itself in the case of a class "B"  
19 beer permit, shall refund to the person so surrendering the license  
20 or permit a proportionate amount of the fee paid for such license  
21 or permit as follows: If surrendered during the first three months  
22 of the period for which said license or permit was issued the refund  
23 shall be three-fourths of the amount of the fee; if surrendered  
24 more than three months but not more than six months after issu-  
25 ance the refund shall be one-half of the amount of the fee; if sur-

26 rendered more than six months but not more than nine months  
 27 after issuance the refund shall be one-fourth of the amount of the  
 28 fee. No refund shall be made, however, for any special liquor per-  
 29 mit, nor for a liquor control license or beer permit surrendered  
 30 more than nine months after issuance. No refund shall be made to  
 31 any licensee or permittee, upon the surrender of his license or per-  
 32 mit, if there is at the time of said surrender a complaint filed with  
 33 the department or local authority, charging him with a violation of  
 34 the provisions of this Act. If upon hearing on any such complaint  
 35 the license or permit is not revoked or suspended, then the licensee  
 36 or permittee shall be eligible, upon surrender of his license or  
 37 permit, to receive a refund as herein provided. But if his license or  
 38 permit is revoked or suspended upon such hearing he shall not be  
 39 eligible for the refund of any portion of his license or permit fee.

40 The local authority may in its discretion authorize a licensee or  
 41 permittee to transfer the license or permit from one location to  
 42 another within the same incorporated city or town, or within a  
 43 county outside the corporate limits of a city or town, provided that  
 44 the premises to which the transfer is to be made would have been  
 45 eligible for a license or permit in the first instance and such transfer  
 46 will not result in the violation of any law.

1 **SEC. 39. Suspension or revocation of liquor license or beer permit.**

2 Any liquor control license or beer permit issued under this Act may,  
 3 after notice in writing to the license or permit holder and reasonable  
 4 opportunity for hearing, and subject to section fifty (50) of this Act  
 5 where applicable, be suspended for a period not to exceed one year  
 6 or revoked by the local authority or the director for any of the fol-  
 7 lowing causes:

8 1. Misrepresentation of any material fact in the application for  
 9 such license or permit.

10 2. Violation of any of the provisions of this Act.

11 3. Any change in the ownership or interest in the business oper-  
 12 ated under a class "A", class "B", or class "C" liquor control license,  
 13 or any beer permit which change was not previously reported to and  
 14 approved by the local authority and the department.

15 4. An event which would have resulted in disqualification from  
 16 receiving such license or permit when originally issued.

17 5. Any sale, hypothecation, or transfer of such license or permit.

18 6. The failure or refusal on the part of any licensee or permittee  
 19 to render any report or remit any taxes to the department under  
 20 this Act when due.

21 Local authorities shall have the power to suspend any retail beer  
 22 permit or liquor control license for a violation of any ordinance or  
 23 regulation adopted by such local authority. Local authorities are  
 24 empowered to adopt ordinances or regulations for the location of  
 25 the premises of retail beer and liquor control licensed establish-  
 26 ments and are empowered to adopt ordinances, not in conflict with  
 27 the provisions of this Act and that do not diminish the hours dur-  
 28 ing which beer or alcoholic beverages may be sold or consumed at  
 29 retail, governing any other activities or matters which may affect  
 30 the retail sale and consumption of beer and alcoholic liquor and the  
 31 health, welfare and morals of the community involved.



1     **SEC. 40. Effect of revocation.** Any liquor control licensee or beer  
2     permittee whose license or permit is revoked under this Act shall  
3     not thereafter be permitted to hold a liquor control license or beer  
4     permit in the state of Iowa for a period of two years from the date  
5     of such revocation. The spouse and business associates holding ten  
6     percent or more of the capital stock or ownership interest in the  
7     business of a person whose license or permit has been revoked shall  
8     not be issued a liquor control license or beer permit, and no liquor  
9     control license or beer permit shall be issued which covers any busi-  
10    ness in which such person has a financial interest for a period of  
11    two years from the date of such revocation. In the event a license  
12    or permit is revoked the premises which had been covered by such  
13    license or permit shall not be relicensed for one year.

1     **SEC. 41. Manufacturer's license.** Upon application in the pre-  
2     scribed form and accompanied by a fee of three hundred fifty dol-  
3     lars, the director may in accordance with this Act grant and issue a  
4     license, valid for a one-year period after date of issuance, to a manu-  
5     facturer which shall allow the manufacture, storage, and wholesale  
6     disposition and sale of alcoholic liquors to the department and to  
7     customers outside of the state.

1     **SEC. 42. Wholesaler's license.** Upon application in the prescribed  
2     form and accompanied by a fee of two hundred fifty dollars and  
3     subject to the provisions of this Act, the director may grant a license,  
4     valid for a one-year period after date of issuance, to a wholesaler  
5     which shall allow the wholesaler to purchase alcoholic liquor from  
6     manufacturers either within or without the state for the purpose of  
7     selling to the department and customers of such wholesaler engaged  
8     in the sale of alcoholic liquor at retail outside of the state.

1     **SEC. 43. Conditions—bond.** As a condition precedent to the ap-  
2     proval and granting of any license to a manufacturer or wholesaler,  
3     there shall be filed with the department a statement under oath that  
4     the applicant is a bona fide manufacturer or wholesaler of alcoholic  
5     liquors, and that the applicant will faithfully observe and comply  
6     with all rules and regulations of the department and that he will in  
7     all respects comply with the provisions of this Act, together with a  
8     bond in the penal sum of five thousand dollars for a manufacturer  
9     and one thousand dollars for a wholesaler with a surety to be ap-  
10    proved by the director; said bond to be in favor of the state of Iowa  
11    for the benefit of the state in case of any violation of this Act.

1     **SEC. 44. Gift of liquors prohibited.** No manufacturer or whole-  
2     saler shall give away any alcoholic liquor of any kind or description  
3     at any time in connection with his business except for testing or  
4     sampling purposes only. No manufacturer, vintner, wholesaler, or  
5     importer, organized as a corporation pursuant to the laws of this  
6     state or any other state, and who deals in alcoholic liquor or beer  
7     subject to this Act shall offer or give any thing of value to any coun-  
8     cil member, official or employee of the department or directly or in-  
9     directly contribute in any manner any money or thing of value to  
10    any person seeking a public or appointive office or any recognized  
11    political party or a group of persons seeking to become a recognized  
12    political party.

1     **SEC. 45. Interest in liquor business.** No council member or de-  
2     partment employee shall, directly or indirectly, individually, or as  
3     a member of a partnership or shareholder in a corporation, have  
4     any interest in dealing in or in the manufacture of alcoholic liquor  
5     or beer nor receive any kind of profit nor have any interest in the  
6     purchase or sale of alcoholic liquor or beer by persons so authorized  
7     under this Act except that this provision shall not prevent any such  
8     member or employee from lawfully purchasing and keeping alcoholic  
9     liquor or beer in his possession for personal use.

10    No person engaged in the business of manufacturing, bottling, or  
11    wholesaling alcoholic beverages or beer, nor any jobber or agent of  
12    such person, shall directly or indirectly supply, furnish, give, or pay  
13    for any furnishings, fixtures, or equipment used in the storage, han-  
14    dling, serving, or dispensing of alcoholic beverages, beer, or food with-  
15    in the place of business of a licensee or permittee authorized under  
16    the provisions of this Act to sell at retail; nor shall he directly or  
17    indirectly extend any credit for alcoholic beverages or beer or pay for  
18    any such license or permit, nor directly or indirectly be interested in  
19    the ownership, conduct, or operation of the business of another  
20    licensee or permittee authorized under the provisions of this Act to  
21    sell at retail. Any licensee or permittee who shall permit or assent  
22    or be a party in any way to any such violation or infringement of  
23    the provisions of this Act shall be deemed guilty of a violation of the  
24    provisions of this Act.

1     **SEC. 46. Consumption in public places—intoxication.** It is un-  
2     lawful for any person to use or consume alcoholic liquors or beer  
3     upon the public streets or highways, or alcoholic liquors in any public  
4     place, except premises covered by a liquor control license, and no  
5     person shall be intoxicated nor simulate intoxication in a public  
6     place. Any person violating any provisions of this section shall be  
7     fined not to exceed one hundred dollars or sentenced not to exceed  
8     thirty days in the county jail.

1     **SEC. 47. Persons under legal age.** After July 1, 1971, no person  
2     shall sell, give, or otherwise supply alcoholic liquor or beer to any  
3     person knowing or having reasonable cause to believe him to be un-  
4     der legal age, and no person or persons under legal age shall indi-  
5     vidually or jointly have alcoholic liquor or beer in his or their pos-  
6     session or control; except in the case of liquor or beer given or dis-  
7     pensed to a person under legal age within a private home and with  
8     the knowledge and consent of the parent or guardian for beverage  
9     or medicinal purposes or as administered to him by either a physi-  
10    cian or dentist for medicinal purposes and except to the extent that  
11    a person under legal age may handle alcoholic beverages and beer  
12    during the regular course of his or her employment by a liquor con-  
13    trol licensee or beer permittee under this Act.

1     **SEC. 48. Evidence of legal age demanded.**

2     1. Upon attempt to purchase alcoholic liquor in any state liquor  
3     store by any person who appears to the vendor to be under legal age,  
4     such vendor shall demand and the prospective purchaser upon such  
5     demand shall display satisfactory evidence that he is of legal age.

6     2. Any person under legal age who presents to any vendor falsi-

7 fied evidence of age as provided in subsection one (1) of this section  
8 shall be guilty of a misdemeanor and upon conviction shall be pun-  
9 ished by a fine not to exceed one hundred dollars or by imprisonment  
10 in the county jail for not more than thirty days.

1 **SEC. 49. Miscellaneous prohibitions.**

2 1. No person shall sell, dispense, or give to any intoxicated per-  
3 son, or one simulating intoxication, any alcoholic liquor or beer.

4 2. No person or club holding a liquor control license or retail beer  
5 permit under this Act, nor his agents or employees, shall do any of  
6 the following:

7 a. Knowingly permit any gaming, gambling, solicitation for im-  
8 moral purposes, or immoral or disorderly conduct on the premises  
9 covered by the license or permit.

10 b. Sell or dispense any alcoholic beverage or beer on the prem-  
11 ises covered by the license or permit, or permit the consumption  
12 thereon between the hours of two a.m. and six a.m. on any weekday,  
13 and between the hours of one a.m. on Sunday and six a.m. on the  
14 following Monday.

15 c. Sell alcoholic beverages or beer to any person on credit, except  
16 with a bona fide credit card. This provision shall not apply to sales  
17 by a club to its members nor to sales by a hotel or motel to bona  
18 fide registered guests.

19 d. Keep on any premises covered by a liquor control license any  
20 alcoholic liquor in any container except the original package pur-  
21 chased from the department, except still wines placed in dispensing  
22 or serving containers for temporary storage, and except mixed  
23 drinks or cocktails mixed on the premises for immediate consump-  
24 tion. This prohibition shall not apply to common carriers holding  
25 a class "D" liquor control license.

26 e. Reuse for packaging alcoholic liquor any container or receptacle  
27 used originally for packaging alcoholic liquor; or adulterate, by the  
28 addition of any substance, the contents or remaining contents of an  
29 original package of alcoholic liquor; or knowingly possess any origi-  
30 nal package which has been so reused or adulterated.

31 f. After July 1, 1971, any person under legal age shall not be em-  
32 ployed in the sale or serving of alcoholic liquor or beer for consump-  
33 tion on the premises where sold unless the person shall be at least  
34 eighteen years old and the business of selling food or other services  
35 constitutes more than fifty percent of the gross business transacted  
36 therein and then only for the purpose of serving or clearing alcoholic  
37 beverages or beer as an incident to a meal. This paragraph shall not  
38 apply to class "C" beer permit holders.

39 g. Allow any person other than the licensee, permittee, or em-  
40 ployees of such licensee or permittee, to use or keep on the licensed  
41 premises any alcoholic liquor in any bottle or other container which  
42 is designed for the transporting of such beverages, except as per-  
43 mitted in section ninety-five (95) of this Act. This paragraph  
44 shall not apply to the lodging quarters of a class "B" liquor control  
45 licensee or beer permittee, or to common carriers holding a class "D"  
46 liquor control license.

47 h. Sell, give, or otherwise supply any alcoholic beverage or beer  
48 to any person knowing or having reasonable cause to believe him to  
49 be under legal age, or permit any person knowing or having reason-

50 able cause to believe him to be under legal age, to consume any alco-  
51 holic beverage or beer.

52 i. In the case of a retail beer permittee, knowingly allow the mix-  
53 ing or adding of alcohol or any alcoholic beverage to beer or any  
54 other beverage in or about his place of business.

55 3. No person under legal age shall misrepresent his or her age for  
56 the purpose of purchasing or attempting to purchase any alcoholic  
57 beverage or beer from any licensee or permittee. If any person  
58 under legal age shall misrepresent his or her age, and the licensee or  
59 permittee establishes that he made reasonable inquiry to determine  
60 whether such prospective purchaser was over legal age, such licensee  
61 or permittee shall not be guilty of selling alcoholic liquor or beer to  
62 minors.

1 **SEC. 50. Penalties.**

2 1. Any person who violates any of the provisions of section forty-  
3 nine (49) of this Act shall be subject to a fine of not to exceed one  
4 hundred dollars or to imprisonment for not more than thirty days  
5 in the county jail.

6 2. The conviction of any liquor control licensee or beer permittee  
7 for a violation of any of the provisions of section forty-nine (49) of  
8 this Act shall, subject to subsection three (3) of this section, be  
9 grounds for the suspension or revocation of the license or permit by  
10 the department or the local authority. However, if any liquor con-  
11 trol licensee is convicted of any violation of subsection two (2),  
12 paragraphs "a", "d" or "e", of such section, or any beer permittee  
13 is convicted of a violation of paragraph "a", the liquor control  
14 license or beer permit shall be revoked and shall immediately be sur-  
15 rendered by the holder, and the bond of the license or permit holder  
16 shall be forfeited to the department.

17 3. If any licensee, beer permittee, or employee of such licensee  
18 or permittee shall be convicted of a violation of section forty-nine  
19 (49), subsection two (2), paragraph "h" of this Act, or a retail  
20 beer permittee shall be convicted of a violation of paragraph "i"  
21 of such subsection, the director or local authority shall, in addition  
22 to the other penalties fixed for such violations by this section, assess  
23 a penalty as follows:

24 a. Upon a first conviction, the violator's liquor control license or  
25 beer permit shall be suspended for a period of fourteen days.

26 b. Upon a second conviction within a period of two years, the vio-  
27 lator's liquor control license or beer permit shall be suspended for a  
28 period of thirty days.

29 c. Upon a third conviction within a period of five years, the viola-  
30 tor's liquor control license or beer permit shall be suspended for a  
31 period of sixty days.

32 d. Upon a fourth conviction within a period of five years, the vio-  
33 lator's liquor control license or beer permit shall be revoked.

1 **SEC. 51. Advertisements for alcoholic liquor or beer.**

2 1. Except as permitted by federal statute and regulations, there  
3 shall be no public advertisement or advertising of alcoholic liquors  
4 in any manner or form within the state.

5 2. No person shall publish, exhibit, or display or permit to be  
6 displayed any other advertisement or form of advertisement, or an-

7 nouncement, publication, or price list of, or concerning any alco-  
8 holic liquors, or where, or from whom the same may be purchased  
9 or obtained, unless permitted so to do by the regulations adopted  
10 by the department and then only in strict accordance with such reg-  
11 ulations. This subsection shall not apply, however:

12 a. To the department.

13 b. To the correspondence, or telegrams, or general communica-  
14 tions of the department, or its agents, servants, and employees.

15 c. To the receipt or transmission of a telegram or telegraphic copy  
16 in the ordinary course of the business of agents, servants, or em-  
17 ployees of any telegraph company.

18 3. No signs or other matter advertising any brand of beer shall  
19 be erected or placed upon the outside of any premises occupied by a  
20 licensee or permittee authorized to sell beer at retail. All such  
21 signs shall be removed by the owner of same by July 1, 1974.

22 4. Violation of this section shall be a misdemeanor punishable by  
23 a fine not exceeding one hundred dollars or imprisonment in the  
24 county jail not exceeding thirty days.

1 **SEC. 52. Prohibited sale.** No person not expressly authorized by  
2 this Act to deal in alcoholic liquors shall within the state keep for  
3 sale or offer for sale anything which is capable of being mistaken  
4 for a package containing alcoholic liquor and is either labeled or  
5 branded with the name of any kind of alcoholic liquor, whether the  
6 same contains any alcoholic liquor or not.

1 **SEC. 53. Liquor control fund.**

2 1. There shall be established within the office of the treasurer of  
3 state a fund to be known as the beer and liquor control fund. The  
4 fund shall consist of any moneys appropriated by the general as-  
5 sembly for deposit in the fund and moneys received from the sale  
6 of alcoholic liquors, from the issuance of permits and licenses, and  
7 of moneys and receipts received by the department from any other  
8 source.

9 2. The state comptroller shall periodically transfer from the beer  
10 and liquor control fund to the general fund of the state those reve-  
11 nues of the department which are not necessary for the purchase  
12 of liquor for resale by the department, or for remittances to local au-  
13 thorities or other sources as required by this Act, or for other obliga-  
14 tions and expenses of the department which are paid from such fund.

15 3. The treasurer of state shall semiannually distribute a sum of  
16 money equal to ten percent of the gross sales made by the state  
17 liquor stores to the cities and towns of the state. Such amount  
18 shall be distributed to the cities and towns of the state in pro-  
19 portion to the population that each incorporated city or town bears  
20 to the total population of all incorporated cities and towns of the  
21 state as computed by the latest federal census. A city or town may  
22 have one special federal census taken each decade, and the population  
23 figure thus obtained shall be used in apportioning amounts under  
24 this subsection beginning the calendar year following the year in  
25 which the special census is certified by the secretary of state. Such  
26 apportionment shall be made semiannually as of July first and Janu-  
27 ary first of each year. Warrants for the same shall be issued by  
28 the state comptroller upon certification of the treasurer of state and

29 mailed to the city clerk of each incorporated city and town of the  
30 state and shall be made payable to such incorporated city or town  
31 and shall be subject to expenditure under the direction of the city  
32 council or other governing bodies of such incorporated city or town  
33 for any lawful municipal purpose. It shall be a lawful municipal  
34 purpose for cities and towns to allocate a portion of the above funds  
35 for the purpose of financing the activities of a city or town com-  
36 mission or committee on alcoholism, such commission or committee  
37 to be appointed by the mayor or by the council or both. The com-  
38 mission or committee may use any funds so allocated for the treat-  
39 ment, rehabilitation, and education of alcoholics in Iowa.

40 4. In any case where a city or town has been incorporated since  
41 the last federal census, the mayor and council shall certify to the  
42 treasurer of state the actual population of such incorporated city  
43 or town as of date of incorporation and its apportionment of funds  
44 under this section shall be based upon such certification until the  
45 next federal census enumeration. Any community which has dis-  
46 solved its corporation shall not receive any apportionment of funds  
47 under this section for any period after said corporation has been  
48 dissolved.

49 5. In any case where a city or town has annexed any territory  
50 since the last available federal census or special federal census, the  
51 mayor and council shall certify to the treasurer of state the actual  
52 population of such annexed territory as determined by the last cer-  
53 tified federal census of said territory and the apportionment of  
54 funds under this section shall be based upon the population of said  
55 city or town as modified by the certification of the population of the  
56 annexed territory until the next federal or special federal census  
57 enumeration.

58 6. In any case where two or more cities or towns have consoli-  
59 dated, the apportionment of funds under this section shall be based  
60 upon the population of the city or town resulting from said con-  
61 solidation and shall be determined by combining the population of  
62 all cities and towns involved in the consolidation as determined by  
63 the last available federal or special federal census enumeration for  
64 said consolidating city or town.

65 7. The treasurer of state shall credit to the military service tax  
66 fund described in chapter four hundred twenty-six A (426A) of  
67 the Code, a sum of money equal to five percent of the gross amount  
68 of sales made by the state liquor stores in the cities and towns of the  
69 state. Any amount thus credited shall be allocated to the various  
70 taxing districts of the state as reimbursement for losses of revenue  
71 due to exemption or remission of property taxes which would be  
72 imposed upon property upon which soldiers' exemptions or soldiers'  
73 tax credits are provided under such terms as the general assembly  
74 may provide.

1 **SEC. 54. Drawing appropriation.** Department appropriations  
2 shall be paid by the treasurer of state upon the orders of the direc-  
3 tor, in such amounts and at such times as the director deems neces-  
4 sary to carry on operations in accordance with the terms of this Act.

1 **SEC. 55. Annual report.** The council shall cause to be prepared  
2 an annual report to the governor of the state, ending with June 30

- 3 of each year, showing fully the results of the operations of the de-  
 4 partment covering the period since the last previous report. Such  
 5 report shall show:
- 6 1. Amount of profit or loss from state liquor store operations.
  - 7 2. Number of state liquor stores opened, the number closed, and  
 8 the number operating on last day included in report.
  - 9 3. Amount of fees received from such stores, separately and in  
 10 gross.
  - 11 4. The current balance of the beer and liquor control fund, and  
 12 the amount transferred from such fund to the treasurer of state dur-  
 13 ing the period covered by the report.
  - 14 5. All other funds on hand and the source from which derived.
  - 15 6. The total quantity and particular kind of alcoholic liquor sold.
  - 16 7. The increase or decrease of liquor sales from the previous re-  
 17 porting period.
  - 18 8. The number of liquor control licenses and beer permits issued,  
 19 by class, the number in effect on the last day included in the re-  
 20 port, and the number which have been suspended or revoked dur-  
 21 ing the period covered by the report.
  - 22 9. Amount of fees paid to the department from liquor control  
 23 licenses and beer permits, in gross, and the amount of liquor control  
 24 license fees returned to local subdivisions of government as pro-  
 25 vided under this Act.

1 **SEC. 56. Native wines.** Notwithstanding any other provision of  
 2 this Act, but subject to rules and regulations of the department, man-  
 3 ufacturers of native wines from grapes, cherries, other fruit juices,  
 4 or honey may sell, keep, or offer for sale and deliver the same in such  
 5 quantities as may be permitted by the director for consumption off  
 6 the premises.

7 A manufacturer of native wines shall not sell such wines other-  
 8 wise than as permitted by this section or allow any wine so sold, or  
 9 any part thereof, to be drunk upon the premises of such manufac-  
 10 turer. Any person may manufacture native wine for consumption  
 11 on his own premises.

12 For the purposes of this section "manufacturer" includes only those  
 13 persons who process the fruit or honey, ferment, and bottle native  
 14 wines in Iowa.

1 **SEC. 57. Examination of accounts.** The financial condition and  
 2 transactions of all offices, departments, stores, warehouses, and  
 3 depots of the department shall be examined at least once each year  
 4 by the state auditor and at shorter periods if requested by the di-  
 5 rector, governor, or executive council.

1 **SEC. 58. Auditing.** All provisions of sections eleven point six  
 2 (11.6), eleven point seven (11.7), eleven point ten (11.10), eleven  
 3 point eleven (11.11), eleven point fourteen (11.14), eleven point  
 4 eighteen (11.18), eleven point twenty-one (11.21), and eleven point  
 5 twenty-three (11.23) of the Code, relating to auditing of financial  
 6 records of governmental subdivisions which are not inconsistent  
 7 herewith are hereby made applicable to the department and its  
 8 offices, stores, warehouses, and depots.

1 **SEC. 59. Bootlegging.** Any person who, by himself, or through  
 2 another acting for him, shall keep or carry on his person, or in a

3 vehicle, or leave in a place for another to secure, any alcoholic liquor  
4 or beer with intent to sell or dispense of such liquor or beer by gift or  
5 otherwise in violation of law, or who shall, within this state, in any  
6 manner, directly or indirectly, solicit, take, or accept any order for  
7 the purchase, sale, shipment, or delivery of such alcoholic liquor or  
8 beer in violation of law, or aid in the delivery and distribution of  
9 any alcoholic liquor or beer so ordered or shipped, or who shall in any  
10 manner procure for, sell, or give any alcoholic liquor or beer to any  
11 person under legal age, for any purpose except as authorized and  
12 permitted in this Act, shall be a bootlegger and be subject to the  
13 general penalties provided by this Act.

1 **SEC. 60. Nuisances.** The premises where the unlawful manu-  
2 facture or sale, or keeping with intent to sell, use, or give away, of  
3 alcoholic liquors or beer is carried on, and any vehicle or other means  
4 of conveyance used in transporting such liquor or beer in violation of  
5 law, and the furniture, fixtures, vessels and contents, kept or used in  
6 connection with such activities are nuisances and shall be abated as  
7 provided in this Act.

1 **SEC. 61. Penalty.** Any person who erects, establishes, or uses any  
2 premises for any of the purposes prohibited in section sixty (60) of  
3 this Act, is guilty of nuisance and shall be subject to the general  
4 penalties provided by this Act.

1 **SEC. 62. Injunction.** Actions to enjoin nuisances shall be brought  
2 in equity in the name of the state by the county attorney who shall  
3 prosecute the same to judgment.

1 **SEC. 63. Temporary writ.** In such action, the court shall, upon  
2 the presentation of a petition therefor, allow a temporary writ of  
3 injunction without bond, if it shall be made to appear to the satisfac-  
4 tion of the court by evidence in the form of affidavits, depositions,  
5 oral testimony or otherwise, that the nuisance complained of exists.

1 **SEC. 64. Notice.** Three days' notice in writing shall be given the  
2 defendant of the hearing of the application, and if then continued at  
3 his instance the writ as prayed shall be granted as a matter of  
4 course.

1 **SEC. 65. Scope of injunction.** When an injunction has been  
2 granted, it shall be binding upon the defendant throughout the state  
3 and any violation of the provisions of this Act anywhere within the  
4 state shall be punished as a contempt as herein provided.

1 **SEC. 66. Trial of action.** Any action brought hereunder shall be  
2 accorded priority over other business pending before the district  
3 court.

1 **SEC. 67. General reputation.** In all actions to enjoin a nuisance or  
2 to establish a violation of the injunction, evidence of the general  
3 reputation of the premises described in the petition or information  
4 shall be admissible for the purpose of proving the existence of the  
5 nuisance or the violation of the injunction.

1 **SEC. 68. Contempt.** In the case of a violation of any injunction  
2 granted under the provisions of this Act, the court may summarily



3 try and punish the defendant pursuant to the general penalties  
4 provided by this Act. The proceedings shall be commenced by filing  
5 with the clerk of the court an information under oath setting out the  
6 alleged facts constituting such violation, upon which the court shall  
7 cause a warrant to issue under which the defendant shall be arrested.

1 **SEC. 69. Trial of contempt action.** The trial shall be as in equity  
2 and may be had upon depositions, or either party may demand the  
3 production and oral examination of the witnesses.

1 **SEC. 70. Injunction against bootlegger.** A bootlegger as defined  
2 in this Act may be restrained by injunction from doing or continuing  
3 to do any of the acts prohibited herein, and all the proceedings for  
4 injunctions, temporary and permanent, and for punishments for  
5 violation of the same as prescribed herein, shall be applicable to such  
6 person, and the fact that an offender has no known or permanent  
7 place of business, or base of supplies, or quits the business after the  
8 commencement of an action, shall not prevent a temporary or per-  
9 manent injunction, as the case may be, from issuing.

1 **SEC. 71. Conditions.** In no case shall a bootlegger injunction  
2 proceeding, as provided in this Act, be maintained unless it be shown  
3 to the court that efforts in good faith have been made to discover the  
4 base of supplies or place where the defendant charged as a bootlegger  
5 conducts his unlawful business or receives or manufactures the al-  
6 coholic liquor or beer, of which he is charged with bootlegging.

1 **SEC. 72. Order of abatement.** If the existence of a nuisance is  
2 established in a civil or criminal action, an order of abatement shall  
3 be entered as a part of the judgment in the case. Such order shall  
4 direct the confiscation of all alcoholic liquor or beer by the state; the  
5 removal from the premises involved of all fixtures, furniture, vessels,  
6 or movable property used in any way in conducting the unlawful  
7 business; the sale of all such removed property as well as any vehicle  
8 or other means of conveyance which has been abated, such sale to  
9 be conducted in the manner provided for the sale of chattels under  
10 execution; and the effective closing of the premises against use for  
11 the purpose of manufacture, sale, or consumption of alcoholic liquor  
12 or beer for a period of one year, unless sooner released by the court.

1 **SEC. 73. Use of abated premises.** If any person uses a premises  
2 closed pursuant to an abatement order in violation of such order he  
3 shall be punished for contempt as provided in this Act.

1 **SEC. 74. Fees.** For removing and selling the movable property,  
2 the officer shall be entitled to charge and receive the same fees as  
3 he would for levying upon and selling like property on execution; and  
4 for closing the premises and keeping them closed a reasonable sum  
5 shall be allowed by the court.

1 **SEC. 75. Proceeds of sale.** The proceeds of the sale of personal  
2 property in abatement proceedings shall be applied first in payment  
3 of the costs of the action and abatement, and second to the satisfac-  
4 tion of any fine and costs adjudged against the proprietor of the

5 premises and keeper of said nuisance, and the balance, if any, shall  
6 be paid to the defendant.

1 **SEC. 76. Abatement of nuisance.** If the owner of the abated  
2 premises appears and pays all costs of the proceeding and files a bond  
3 with sureties to be approved by the clerk in the full value of the  
4 property, to be ascertained by the court, conditioned that he will  
5 immediately abate the nuisance and prevent the same from being  
6 established or kept on such premises within a period of one year  
7 thereafter, the court may order such premises to be delivered to the  
8 owner and cancel the order of abatement so far as it may relate to the  
9 property.

1 **SEC. 77. Abatement before judgment.** If the action is in equity  
2 and the owner of the premises pays the costs of the action and files  
3 the bond prior to the entry of judgment and the abatement order,  
4 such action shall be abated as to the premises only.

1 **SEC. 78. Existing liens.** The release of the property under the  
2 provisions of either section seventy-six (76) or seventy-seven (77)  
3 of this Act shall not release it from any judgment lien, penalty, or  
4 liability, to which it may be subject by law.

1 **SEC. 79. Abatement bond a lien.** Undertakings of bonds for abate-  
2 ment shall immediately after filing by the clerk of the district court  
3 be docketed and entered upon the lien index as required for judg-  
4 ments in civil cases, and from the time of such entries shall be liens  
5 upon real estate of the persons executing the same, with like effect  
6 as judgments in civil actions.

1 **SEC. 80. Attested copies filed.** Attested copies of such undertak-  
2 ings may be filed in the office of the clerk of the district court of the  
3 county in which the real estate is situated in the same manner and  
4 with like effect as attested copies of judgments, and shall be im-  
5 mediately docketed and indexed in the same manner.

1 **SEC. 81. Forfeiture of bond.** If the owner of a property who has  
2 filed an abatement bond as provided in this Act fails to abate the  
3 liquor or beer nuisance on the premises covered by the bond, or fails  
4 to prevent the maintenance of any liquor or beer nuisance on said  
5 premises at any time within a period of one year after entry of the  
6 abatement order, the court shall, after a hearing in which such fact is  
7 established, direct an entry of such violation of the terms of the  
8 owner's bond, to be made on the record and the undertaking of his  
9 bond thereupon forfeited.

1 **SEC. 82. Procedure.** A proceeding to forfeit an abatement bond  
2 shall be commenced by filing with the clerk of the court, by the  
3 county attorney of the county where the bond is filed, an application  
4 under oath to forfeit such bond, setting out the alleged facts consti-  
5 tuting the violation of the terms of the bond, upon which the court  
6 shall direct by order attached to such application that a notice be  
7 issued by the clerk of the district court directed to the principal and  
8 sureties on the bond to appear at a certain date fixed to show cause  
9 why such bond should not be forfeited and judgment entered for the  
10 penalty fixed therein.

1     **SEC. 83. Method of trial.** The trial shall be to the court and as in  
2 equity, and be governed by the same rules of evidence as contempt  
3 proceedings.

1     **SEC. 84. Judgment.** If the court after hearing finds a liquor or  
2 beer nuisance has been maintained on the premises covered by the  
3 abatement bond and that liquor or beer has been sold or kept for sale  
4 on the premises contrary to law within one year from the date of the  
5 giving of such bond, then the court shall order the forfeiture of the  
6 bond and enter judgment for the full amount of such bond against the  
7 principal and sureties thereof, and the lien on the real estate created  
8 pursuant to section seventy-nine (79) of this Act shall be decreed  
9 foreclosed and the court shall provide for a special and general execu-  
10 tion for the enforcement of such decree and judgment.

1     **SEC. 85. Appeal.** Appeal may be taken as in equity cases and the  
2 cause be triable de novo except that if the state appeals it need not  
3 file an appeal or supersedeas bond.

1     **SEC. 86. County attorney to prosecute.** It shall be the duty of the  
2 county attorney to prosecute in the name of the state all forfeitures  
3 of abatement bonds and the foreclosures of same.

1     **SEC. 87. Prompt service.** It shall be a misdemeanor for any peace  
2 officer to delay service of original notices, writs of injunction, writs of  
3 abatement, or warrants for contempt in any equity case filed for  
4 injunction or abatement by the state.

1     **SEC. 88. Evidence.** On the issue whether a party knew or ought  
2 to have known of such nuisance, evidence of the general reputation  
3 of the place shall be admissible.

1     **SEC. 89. Counts.** Informations or indictments under this Act may  
2 allege any number of violations of its provisions by the same party,  
3 but the several charges must be set out in separate counts, and the  
4 accused may be convicted and punished upon each one as on separate  
5 informations or indictments, and a separate judgment shall be ren-  
6 dered on each count under which there is a finding of guilty.

1     **SEC. 90. Penalties generally.** Unless other penalties are herein  
2 provided, any person, except a person under legal age, who violates  
3 any of the provisions of this Act, or who makes a false statement  
4 concerning any material fact in submitting an application for a per-  
5 mit or license, shall be punished by a fine of not more than one  
6 thousand dollars, or by imprisonment in the county jail for not more  
7 than one year, or by both such fine and imprisonment. Any person  
8 under legal age who violates any of the provisions of this Act shall  
9 upon conviction be punished by a fine not to exceed one hundred dol-  
10 lars or by imprisonment in the county jail not to exceed thirty days.

1     **SEC. 91. Second and subsequent conviction.** Any person who has  
2 been convicted, in a criminal action, in any court of record, of a  
3 violation of any of the following:

4     1. Any provision of this Act.

5     2. Any provision of the prior laws of this state relating to intoxi-  
6 cating liquors or beer which were in force prior to the enactment of  
7 this Act.

8 3. Any provision of the laws of the United States or of any other  
9 state relating to intoxicating liquors or beer, and who is thereafter  
10 convicted of a subsequent criminal offense against any provision of  
11 this Act shall be punished as follows:

12 a. For his second conviction, by a fine of not less than five hundred  
13 dollars nor more than one thousand dollars, and by imprisonment in  
14 the county jail or the state penitentiary for not less than six months  
15 nor more than one year.

16 b. For his third and each subsequent conviction, by a fine of not  
17 less than one thousand dollars nor more than three thousand dollars  
18 and imprisonment in the state penitentiary for not more than three  
19 years.

1 SEC. 92. **Civil liability applicable to sale or gift of beer or intoxi-**  
2 **cants by licensees.** Every husband, wife, child, parent, guardian, em-  
3 ployer or other person who shall be injured in person or property or  
4 means of support by any intoxicated person or resulting from the  
5 intoxication of any such person, shall have a right of action, severally  
6 or jointly against any licensee or permittee who shall sell or give any  
7 beer or intoxicating liquor to any such person while he is intoxicated,  
8 or serve any such person to a point where such person is intoxicated  
9 for all damages actually sustained.

10 Every liquor control licensee and class "B" beer permittee shall  
11 furnish proof of financial responsibility either by the existence of a  
12 liability insurance policy or by posting bond in such amount as de-  
13 termined by the department.

1 SEC. 93. Within six months of the occurrence of an injury, the  
2 injured person shall give written notice to the licensee or permittee  
3 or such licensee's or permittee's insurance carrier of his intention  
4 to bring an action under this section, indicating the time, place and  
5 circumstances causing the injury. Such six months period shall be  
6 extended if the injured party is incapacitated at the expiration there-  
7 of or unable, through reasonable diligence, to discover the name  
8 of the licensee, permittee, or person causing the injury or until such  
9 time as such incapacity is removed or such person has had a reason-  
10 able time to discover the name of the licensee, permittee or person  
11 causing the injury.

1 SEC. 94. No right of action for contribution or indemnity shall  
2 accrue to any insurer, guarantor or indemnitor of any intoxicated  
3 person for any act of such intoxicated person against any licensee  
4 or permittee as defined in this Act.

1 SEC. 95. **Premises must be licensed—exception as to conventions**  
2 **and social gatherings.** It is unlawful for any person to allow the dis-  
3 pensing or consumption of intoxicating liquor, except sacramental  
4 wines and beer, in any establishment unless such establishment is  
5 licensed under this Act.

6 However, bona fide conventions or meetings may bring their own  
7 legal liquor onto the licensed premises if the liquor is served to dele-  
8 gates or guests without cost. All other provisions of this Act shall  
9 be applicable to such premises. The provisions of this section shall  
10 have no application to private social gatherings of friends or relatives

11 in a private home or a private place which is not of a commercial  
 12 nature nor where goods or services may be purchased or sold nor any  
 13 charge or rent or other thing of value is exchanged for the use of such  
 14 premises for any purpose other than for sleeping quarters.

1 **SEC. 96. Tax on beverages sold for consumption on the premises.**

2 1. There is imposed on every person licensed to sell alcoholic bev-  
 3 erages for consumption on the premises where sold, a special tax  
 4 equivalent to fifteen percent of the price established by the depart-  
 5 ment on all alcoholic beverages for general sale to the public. Such  
 6 tax shall be paid by all licensees at the point of purchase from the  
 7 state on all alcoholic beverages intended or used for resale for con-  
 8 sumption on the premises of retail establishments. Such tax shall be  
 9 in lieu of any other sales tax applied at the state store and shall be  
 10 shown as a separate item on special sales slips provided by the de-  
 11 partment for purchases by licensees.

12 2. Except as allowed under section ninety-five (95) of this Act no  
 13 licensee shall knowingly keep on the licensed premises nor use for  
 14 resale purposes any alcoholic liquor on which the special tax has not  
 15 been paid to the state. The conviction of a violation of this section  
 16 shall cause the license held to automatically be revoked and the  
 17 license shall immediately be surrendered by the holder, and the bond  
 18 of the license holder shall be forfeited to the department.

19 3. Each bottle of alcoholic liquor purchased by a licensee shall bear  
 20 an identification marker applied at the place of purchase.

1 **SEC. 97. Covered into general fund.** All revenues, except the  
 2 portion of license fees remitted to the local authorities, arising under  
 3 the operation of the provisions of this Act shall become part of the  
 4 state general fund.

1 **SEC. 98. Labeling shipments.** It shall be unlawful for any com-  
 2 mon carrier or for any person to transport or convey by any means,  
 3 whether for compensation or not, within this state, any intoxicating  
 4 liquors, unless the vessel or other package containing such liquors  
 5 shall be plainly and correctly identified, showing the quantity and  
 6 kind of liquors contained therein, the name of the party to whom they  
 7 are to be delivered, and the name of the shipper, or unless such in-  
 8 formation is shown on a bill of lading or other document accompany-  
 9 ing the shipment. No person shall be authorized to receive or keep  
 10 such liquors unless the same be marked or labeled as required by this  
 11 section. The violation of any provision of this section by any common  
 12 carrier, or any agent or employee of any carrier, or by any person,  
 13 shall be punished under the provisions of this Act.

14 Liquors conveyed, carried, transported, or delivered in violation of  
 15 this section, whether in the hands of the carrier or someone to whom  
 16 they shall have been delivered, shall be subject to seizure and con-  
 17 demnation, as liquors kept for illegal sale.

1 **SEC. 99. False statements.** If any person, for the purpose of pro-  
 2 curing the shipment, transportation, or conveyance of any intoxi-  
 3 cating liquors within this state, shall make to any person, company,  
 4 corporation, or common carrier, or to any agent thereof, any false  
 5 statements as to the character or contents of any box, barrel, or  
 6 other vessel or package containing such liquors; or shall refuse to

7 give correct and truthful information as to the contents of any such  
 8 box, barrel, or other vessel or package so sought to be transported or  
 9 conveyed; or shall falsely mark, brand, or label such box, barrel, or  
 10 other vessel or package in order to conceal the fact that the same  
 11 contains intoxicating liquors; or shall by any device or concealment  
 12 procure or attempt to procure the conveyance or transportation of  
 13 such liquors as herein prohibited, he shall be fined for each offense one  
 14 hundred dollars and costs of prosecution, and be committed to the  
 15 county jail until such fine and costs are paid.

1     **SEC. 100. Packages in transit.** Any peace officer of the county  
 2 under process or warrant to him directed shall have the right to  
 3 open any box, barrel, or other vessel or package for examination, if  
 4 he has reasonable ground for believing that it contains intoxicating  
 5 liquors, either before or while the same is being so transported or  
 6 conveyed.

1     **SEC. 101. Record of shipments.** It shall be the duty of all common  
 2 carriers, or corporations, or persons who shall for hire carry any  
 3 intoxicating liquors into the state, or from one point to another  
 4 within the state, for the purpose of delivery, and who shall deliver  
 5 such intoxicating liquor to any person, company, or corporation, to  
 6 keep, at each station or office where it employs an agent or other per-  
 7 son to make delivery of freight and keep records relative thereto, a  
 8 record book, wherein such carrier shall, promptly upon receipt and  
 9 prior to delivery, enter in ink, in legible writing, in full, the name  
 10 of the consignor of each shipment of intoxicating liquor to be de-  
 11 livered from or through such station, from where shipped, the date  
 12 of arrival, the quantity and kind of liquor, so far as disclosed by  
 13 lettering on the package or by the carrier's records, and to whom  
 14 and where consigned, and the date delivered.

1     **SEC. 102. Inspection of shipping records.** The record book re-  
 2 quired by section one hundred one (101) of this Act shall, during  
 3 business hours, be open to inspection by any peace or law enforcing  
 4 officer. It shall be a misdemeanor to refuse such inspection.

1     **SEC. 103. Record receipt upon delivery.** No shipment billed in  
 2 whole or in part as intoxicating liquor shall be delivered to the con-  
 3 signee until such consignee upon such record book enters in ink, in  
 4 legible writing, his full name and residence or place of business, giving  
 5 the name of the town or city, and the street name and number if any,  
 6 and certifies that such liquor is for his own lawful purposes.

1     **SEC. 104. Unlawful delivery.** It shall be a misdemeanor for any  
 2 corporation, common carrier, person, or any agent or employee  
 3 thereof:  
 4     1. To deliver any intoxicating liquors to any person other than to  
 5 the consignee.  
 6     2. To deliver any intoxicating liquors without having the same  
 7 receipted for as provided in section one hundred three (103) of this  
 8 Act.  
 9     3. To deliver any intoxicating liquors where there is reasonable  
 10 ground to believe that such liquor is intended for unlawful use.

1     **SEC. 105. Immunity from damage.** In no case shall any corpora-  
2 tion, common carrier, person, or the agent thereof, be liable in dam-  
3 ages for complying with any requirement of this Act.

1     **SEC. 106. Federal statutes.** The requirements of this Act relative  
2 to the shipment and delivery of intoxicating liquors and the records  
3 to be kept thereof shall be construed in harmony with federal stat-  
4 utes relating to interstate commerce in such liquors.

1     **SEC. 107. Unnecessary allegations.** In any indictment or informa-  
2 tion under this Act, it shall not be necessary:

3     1. To set out exactly the kind or quantity of intoxicating liquors  
4 manufactured, sold, given in evasion of the statute, or kept for  
5 sale.

6     2. To set out the exact time of manufacture, sale, gift, or keeping  
7 for sale.

8     3. To negative any exceptions contained in the statute creating  
9 or defining the offense, which may be proper ground of defense.

10     But proof of the violation by the accused of any provision of this  
11 Act, the substance of which violation is briefly set forth, within the  
12 time mentioned in said indictment or information, shall be sufficient  
13 to convict such person.

1     **SEC. 108. Second conviction defined.** The second or subsequent  
2 convictions provided for in this Act shall be convictions on separate  
3 informations or indictments, and, unless shown in the information or  
4 indictment, the charge shall be held to be for a first offense.

1     **SEC. 109. Record of conviction.** On the trial of any cause in which  
2 the accused is charged with a second or subsequent offense, a duly  
3 authenticated copy of the former judgment in any court in which such  
4 conviction was had shall be competent evidence of such former con-  
5 viction.

1     **SEC. 110. Proof of sale.** It shall not be necessary in every case  
2 to prove payment in order to prove a sale within the meaning and  
3 intent of this Act.

1     **SEC. 111. Purchaser as witness.** The person purchasing any in-  
2 toxicating liquor sold in violation of this Act shall in all cases be a  
3 competent witness to prove such sale.

1     **SEC. 112. Peace officer as witness.** Every peace officer shall give  
2 evidence, when called upon, of any facts within his knowledge tending  
3 to prove a violation of the provisions of this Act.

1     **SEC. 113. Judgment lien.** For all fines and costs assessed or  
2 judgments rendered of any kind against any person for a violation  
3 of any provision of this Act, or costs paid by the county on account of  
4 such violation, the personal and real property of the violator, whether  
5 exempt or not, except the homestead, as well as the premises and  
6 property, personal and real, occupied and used for the unlawful  
7 purpose, with the knowledge of the owner or his agent, by the viola-  
8 tor, shall be liable, and the same shall be a lien on such real estate  
9 until paid.

1     **SEC. 114. Enforcement of lien.** Costs paid by the county for the  
2 prosecution of actions or proceedings, civil or criminal, under this

3 Act, as well as the fines inflicted or judgments rendered, may be en-  
4 forced against the property upon which the lien attaches by execu-  
5 tion, or by action against the owner of the property to subject it to  
6 the payment thereof.

1 SEC. 115. **Defense.** In any prosecution under this Act for the  
2 unlawful transportation of intoxicating liquors it shall be a defense  
3 that the character and contents of the shipment or thing transported  
4 were not known to the accused or to his agent or employee.

1 SEC. 116. **Right to receive liquors.** The consignee of intoxicating  
2 liquors shall, on demand of the carrier transporting such liquors,  
3 furnish the carrier, at the place of delivery, with legal proof of the  
4 consignee's legal right to receive such liquors at the time of delivery,  
5 and until such proof is furnished the carrier shall be under no legal  
6 obligation to make delivery nor be liable for failure to deliver.

1 SEC. 117. **Delivery to sheriff.** If such proof is not furnished the  
2 carrier within ten days after demand, the carrier may deliver such  
3 liquors to the sheriff of the county embracing the place of delivery,  
4 and such delivery shall absolve the carrier from all liability pertain-  
5 ing to such liquors.

1 SEC. 118. **Destruction.** The sheriff shall, on receipt of such  
2 liquors from the carrier, report the receipt to the district court of his  
3 county, and the court shall proceed to summarily enter an order for  
4 the destruction or forfeiture to the state of such liquors.

1 SEC. 119. **Evidence.** In all actions, civil or criminal, under the  
2 provisions of this Act, the finding of intoxicating liquors or of instru-  
3 ments or utensils used in the manufacture of intoxicating liquors, or  
4 materials which are being used, or are intended to be used in the  
5 manufacture of intoxicating liquors, in the possession of or under the  
6 control of any person, under and by authority of a search warrant or  
7 other process of law, and which shall have been finally adjudicated  
8 and declared forfeited by the court, shall be competent evidence of  
9 maintaining a nuisance or bootlegging, or of illegal transportation  
10 of intoxicating liquors, as the case may be, by such person.

1 SEC. 120. **Attempt to destroy.** The destruction of or attempt to  
2 destroy any liquid by any person while in the presence of peace  
3 officers or while a property is being searched by a peace officer, shall  
4 be competent evidence that such liquid is intoxicating liquor and in-  
5 tended for unlawful purposes.

1 SEC. 121. **Venue.** In any prosecution under this Act for the un-  
2 lawful sale of alcoholic liquor or beer a sale of alcoholic liquor or  
3 beer which requires a shipment or delivery of such liquor or beer  
4 shall be deemed to be made in the county in which such delivery is  
5 made by the carrier to the consignee, his agent, or employee.

6 In any prosecution under this Act for the unlawful transportation  
7 of intoxicating liquor, the offense shall be held to have been com-  
8 mitted in any county in which such liquor is received for transporta-  
9 tion, through which it is transported, or in which it is delivered.



DIVISION II  
BEER PROVISIONS

1     **SEC. 122. Permit or license required.** No person shall manufac-  
2     ture for sale or sell beer at wholesale or retail unless a permit is first  
3     obtained as provided in this division or, a liquor control license  
4     authorizing the retail sale of beer is first obtained as provided in  
5     division I of this Act. No liquor control license holder shall be re-  
6     quired to hold a separate class "B" beer permit or to post a separate  
7     bond.

1     **SEC. 123. Effect on liquor control licensees.** All applicable pro-  
2     visions of this division relating to class "B" beer permits shall apply  
3     to liquor control licensees in the purchasing, storage, handling, serv-  
4     ing, and sale of beer.

1     **SEC. 124. Permits—classes.** Permits for the manufacture and  
2     sale, or sale of beer shall be divided into three classes, and shall be  
3     known as either class "A", "B", or "C" permits. A class "A" permit  
4     shall allow the holder to manufacture and sell beer at wholesale.  
5     The holder of a class "A" permit may manufacture beer of more than  
6     four percent of alcohol by weight for shipment outside this state  
7     only. A class "B" permit shall allow the holder to sell beer at retail  
8     for consumption on or off the premises. A class "C" permit shall  
9     allow the holder to sell beer at retail for consumption off the  
10    premises.

1     **SEC. 125. Issuance of permits.** The director shall issue class "A",  
2     "B", and "C" beer permits and may suspend or revoke such permits  
3     for cause as provided in this Act.

1     **SEC. 126. Prohibited interest.** It shall be unlawful for any person  
2     or persons to be either directly or indirectly interested in more than  
3     one class of beer permit.

1     **SEC. 127. Class "A" application.** A class "A" permit shall be  
2     issued by the director to any person who:

3     1. Submits a written application for such permit, which applica-  
4     tion shall state under oath:

5     a. The name and place of residence of the applicant and the length  
6     of time he has lived at such place of residence.

7     b. That he is a citizen of the state of Iowa.

8     c. The place of birth of the applicant, and if the applicant is a  
9     naturalized citizen, the time and place of such naturalization.

10    d. The location of the premises where the applicant intends to  
11    operate.

12    e. The name of the owner of the premises and if such owner is not  
13    the applicant, that such applicant is the actual lessee of the premises.

14    2. Establishes:

15    a. That he is a person of good moral character as defined by this  
16    Act.

17    b. That the premises where he intends to operate conform to all  
18    laws and health and fire regulations applicable thereto.

19    3. Furnishes a bond in the form prescribed and to be furnished by  
20    the department, with good and sufficient sureties to be approved by  
21    the director conditioned upon the faithful observance of this Act,

22 in the penal sum of five thousand dollars, payable to the state.  
 23 4. Gives consent to members of the fire, police and health depart-  
 24 ments and the building inspector of cities and towns; the county  
 25 sheriff, deputy sheriff, and state agents, and any official county health  
 26 officer to enter upon the premises without a warrant to inspect for  
 27 violations of the provisions of this Act or ordinances and regulations  
 28 that local authorities may adopt.

1 **SEC. 128. Class "B" application.** A class "B" permit shall be is-  
 2 sued by the director to any person who:

3 1. Submits a written application for such permit, which application  
 4 shall state under oath:

5 a. All the information required of a class "A" applicant by section  
 6 one hundred twenty-seven (127), subsection one (1), of this Act.

7 b. That the premises for which the permit is sought is and will  
 8 continue to be equipped with sufficient tables and seats to accom-  
 9 modate twenty-five persons at one time, and is located within a  
 10 business district or an area now or hereafter zoned as a business  
 11 district.

12 2. Fulfills the requirements of section one hundred twenty-seven  
 13 (127), subsection two (2), of this Act, relating to class "A" appli-  
 14 cants.

15 3. Furnishes a bond in the same form and manner as prescribed  
 16 for a class "A" applicant by section one hundred twenty-seven (127),  
 17 subsection three (3), of this Act, except that the amount of the bond  
 18 shall be five hundred dollars. Such bond shall be further conditioned  
 19 that the permittee and his surety, as part of the class "B" permit,  
 20 shall consent to forfeiture of the principal sum of said bond in event  
 21 of suspension or revocation of the permit as a result of charges filed  
 22 and hearing held as provided by this Act.

23 4. Consents to inspection as required in section one hundred  
 24 twenty-seven (127), subsection four (4), of this Act.

1 **Sec. 129. Class "C" application.** No class "C" permit shall be  
 2 issued to any person except the owner or proprietor of a grocery  
 3 store or pharmacy.

4 "Grocery store" means any retail establishment, the principal busi-  
 5 ness of which consists of the sale of food or food products for con-  
 6 sumption off the premises.

7 "Pharmacy" means a drug store in which drugs and medicines are  
 8 exposed for sale and sold at retail, or in which prescriptions of li-  
 9 censed physicians and surgeons, dentists or veterinarians are com-  
 10 pounded and sold by a registered pharmacist.

11 A class "C" permit shall be issued by the director to any person  
 12 who is the owner or proprietor of a grocery store or pharmacy, who:

13 1. Submits a written application for such permit, which application  
 14 shall state under oath all the information required of a class "A"  
 15 applicant by section one hundred twenty-seven (127), subsection  
 16 one (1), of this Act.

17 2. Establishes that he is a person of good moral character as  
 18 defined by this Act.

19 3. Furnishes a bond in the same form and manner as prescribed  
 20 for a class "A" applicant by section one hundred twenty-seven (127),  
 21 subsection three (3), of this Act, except that the amount of the bond  
 22 shall be five hundred dollars.

23 4. Consents to inspection as required in section one hundred  
24 twenty-seven (127), subsection four (4), of this Act.

25 5. States the number of square feet of interior floor space which  
26 comprises the retail sales area of the premises for which the permit  
27 is sought.

1 **SEC. 130. Authority under class "A" permit.** Any person holding  
2 a class "A" permit issued by the department shall be authorized to  
3 manufacture and sell, or sell at wholesale, beer for consumption off  
4 the premises, such sales within the state to be made only to persons  
5 holding subsisting class "A", "B" or "C" permits, or liquor control  
6 licenses issued in accordance with the provisions of this Act.

1 **SEC. 131. Authority under class "B" permit.** Subject to the  
2 provisions of this Act, any person holding a class "B" permit shall  
3 be authorized to sell beer for consumption on or off the premises.  
4 However, unless otherwise provided in this Act, no sale of beer shall  
5 be made for consumption on the premises unless the place where such  
6 service is made is equipped with tables and seats sufficient to ac-  
7 commodate not less than twenty-five persons at one time.

1 **SEC. 132. Authority under class "C" permit.** Any person holding  
2 a class "C" permit shall be allowed to sell beer for consumption off the  
3 premises. Such sales shall be in original containers only.

1 **SEC. 133. Sale on trains—bond.** Subject to the provisions of this  
2 Act, any dining car company, sleeping car company, railroad com-  
3 pany, or railway company may make application to the director for  
4 special class "B" permit, and the director may issue a permit to  
5 any such company which shall authorize the holder to keep for sale  
6 and sell beer on any dining car, sleeping car, buffet car, or observa-  
7 tion car operated by such applicant in, through, or across the state.  
8 The application for such permit shall be in such form and contain  
9 such information as may be required by the director. Each such  
10 permit shall be good throughout the state as a state permit. Only  
11 one such permit shall be required for all cars operated in this state  
12 by such applicant, but a duplicate of such permit shall be posted in  
13 each car in which such beverages are sold; and no further permit  
14 shall be required or tax levied for the privilege of selling beer for  
15 consumption in such cars. As a condition precedent to the issuing  
16 of any such permit, the applicant shall give bond to the department,  
17 with good and sufficient sureties thereon to be approved by the  
18 director, conditioned upon faithful compliance with the provisions  
19 of this Act in the penal sum of one thousand dollars.

1 **SEC. 134. Fees.**

2 1. The annual permit fee for a class "A" permit shall be two hun-  
3 dred fifty dollars.

4 2. The annual permit fee for a class "B" permit shall be graduated  
5 according to population as follows:

6 a. For premises located within the corporate limits of cities with  
7 a population of over ten thousand, three hundred dollars.

8 b. For premises located within the corporate limits of cities or  
9 towns of over fifteen hundred but less than ten thousand, two hun-  
10 dred dollars.

11 c. For premises located within the corporate limits of towns with  
12 a population of under fifteen hundred, one hundred dollars.

13 d. For premises located outside the corporate limits of any city or  
14 town, a sum equal to that charged in the incorporated city or town lo-  
15 cated nearest the premises to be operated under the permit, and in  
16 case there is doubt as to which of two or more differing corporate  
17 limits are the nearest, the permit fee which is the largest shall prevail.

18 3. The annual permit fee for a class "C" permit shall be graduated  
19 on the basis of the amount of interior floor space which comprises  
20 the retail sales area of the premises covered by the permit, as follows:

21 a. Up to one thousand five hundred square feet, the sum of seventy-  
22 five dollars.

23 b. Over one thousand five hundred square feet and up to two  
24 thousand square feet the sum of one hundred dollars.

25 c. Over two thousand and up to five thousand square feet, the sum  
26 of two hundred dollars.

27 d. Over five thousand square feet, the sum of three hundred  
28 dollars.

29 4. The annual permit fee for a special class "B" permit, issued  
30 under section one hundred thirty-three (133) of this Act, shall be  
31 one hundred dollars, and three dollars for each duplicate permit,  
32 which fees shall be paid to the department. The department shall  
33 issue duplicates of such permits from time to time as applied for by  
34 each such company.

1 **SEC. 135. Brewers certificate of compliance.**

2 1. Any manufacturer, brewer, bottler, importer, or vendor of beer  
3 or any agent thereof desiring to ship, sell, or have beer brought into  
4 this state for resale by a class "A" permittee shall first make ap-  
5 plication for and shall be issued a brewer's certificate of compliance  
6 by the director for such purpose. Such certificate of compliance  
7 shall expire at the end of one year from the date of issuance and shall  
8 be renewed for a like period upon application to the director unless  
9 otherwise revoked for cause. Each application for a certificate of  
10 compliance or renewal thereof shall be accompanied by a fee of one  
11 hundred dollars payable to the department. Each holder of a cer-  
12 tificate of compliance shall furnish such information and in such form  
13 as the director may require. Any brewer whose plant is located in  
14 Iowa and who otherwise holds a class "A" beer permit to sell beer  
15 at wholesale shall be exempt from the fee, but not of the terms and  
16 conditions, as herein provided.

17 2. At the time of applying for a certificate of compliance, each  
18 applicant shall file with the department a list of all class "A" permit-  
19 tees with whom it intends to do business and shall designate the  
20 geographic area in which its products are to be distributed by such  
21 permittee. The listing of class "A" permittees and geographic area  
22 as filed with the department may be amended from time to time  
23 by the holder of a certificate of compliance.

24 3. All class "A" permit holders shall sell only those brands of beer  
25 which are manufactured, brewed, bottled, shipped, or imported by a  
26 person holding a current certificate of compliance. Any employee  
27 or agent working for or representing the holder of a certificate of  
28 compliance within this state shall register his name and address with

29 the department, which names and addresses shall be filed with the  
30 department's copy of the certificate of compliance issued.

31 4. It shall be unlawful for any holder of a certificate of compliance  
32 or his agent, or any class "A" permit holder or his agent, to grant to  
33 any retail beer permit holder, directly or indirectly, any rebates,  
34 free goods, or quantity discounts on beer which are not uniformly  
35 offered to all retail permittees.

36 5. Notwithstanding any other penalties provided by this Act, any  
37 holder of a certificate of compliance or any class "A" permit holder  
38 who shall violate any of the provisions of this section shall be subject  
39 to a fine not to exceed one thousand dollars or suspension of his  
40 certificate or permit for a period not to exceed sixty days or both such  
41 fine and suspension.

1 SEC. 136. **Barrel tax.** In addition to the annual permit fee to be  
2 paid by all class "A" permittees under the provisions of this Act there  
3 shall be levied and collected from such permittees on all beer manu-  
4 factured for sale or sold in this state at wholesale and on all beer  
5 imported into this state for sale at wholesale and sold in this state  
6 at wholesale, a tax of three and seventy-two hundredths dollars for  
7 every barrel containing thirty-one gallons, and at a like rate for any  
8 other quantity or for the fractional part of a barrel. However, no  
9 tax shall be levied or collected on beer shipped outside this state by a  
10 class "A" permittee or sold by one class "A" permittee to another  
11 class "A" permittee.

12 All revenue derived from the barrel tax shall accrue to the state  
13 general fund.

14 All of the provisions of this Act relating to the administration of  
15 the barrel tax on beer shall apply to this section.

1 SEC. 137. **Report of barrel sales—penalty.** Every person holding  
2 a class "A" permit shall on or before the tenth day of each calendar  
3 month commencing on the tenth day of the calendar month following  
4 the month in which such person is issued a permit, make a report  
5 under oath to the department upon forms to be furnished by the  
6 department for such purpose showing the exact number of barrels  
7 of beer, or fractional parts thereof, sold by such permit holder during  
8 the preceding calendar month. Such report shall also state such  
9 information as the director may require, and such permit holders  
10 shall at the time of filing said report pay to the department the  
11 amount of tax due at the rate fixed in section one hundred thirty-six  
12 (136) of this Act.

13 A penalty of ten percent of the amount of the tax shall be added  
14 thereto if the report is not filed and the tax paid within the time re-  
15 quired by this section.

1 SEC. 138. **Books of account required.** Each class "A" permittee  
2 shall keep proper books of account and records showing the amount  
3 of beer sold by him, which books of account shall be at all times  
4 open to inspection by the director. Each class "B" and class "C"  
5 permittee shall keep proper books of account and records showing  
6 each purchase of beer made by him, and the date and the amount  
7 of each purchase and the name of the person from whom each pur-  
8 chase was made, which books of account and records shall be at all  
9 times open to inspection by the director.

1     **SEC. 139. Separate locations—class “A”.** Every class “A” per-  
 2     mittee having more than one place of business shall be required to  
 3     have a separate permit for each separate place of business main-  
 4     tained by such permittee wherein such beer is stored, warehoused, or  
 5     sold.

1     **SEC. 140. Separate locations—class “B” or “C”.** Every person  
 2     holding a class “B” or class “C” permit having more than one place  
 3     of business where such beer is sold shall be required to have a sep-  
 4     arate license for each separate place of business, except as other-  
 5     wise provided by this Act.

1     **SEC. 141. Keeping liquor where beer is sold.** No alcoholic liquor  
 2     for beverage purposes shall be used, or kept for any purpose in the  
 3     place of business of class “B” permittees, or on the premises of such  
 4     class “B” permittees, at any time. A violation of any provision of  
 5     this section shall be grounds for suspension or revocation of the per-  
 6     mit pursuant to section fifty (50), subsection three (3), of this Act.  
 7     This section shall not apply in any manner or in any way, to any  
 8     railway car of any dining car company, sleeping car company, rail-  
 9     road company or railway company, having a special class “B” per-  
 10    mit; to the premises of any hotel or motel for which a class “B” per-  
 11    mit has been issued, other than that part of such premises regularly  
 12    used by the hotel or motel for the principal purpose of selling beer  
 13    or food to the general public; or to drug stores regularly and con-  
 14    tinuously employing a registered pharmacist, from having alcohol  
 15    in stock for medicinal and compounding purposes.

1     **SEC. 142. Purchase from nonpermit holder.** It shall be unlawful  
 2     for the holder of any class “B” or class “C” permit issued under the  
 3     provisions of this Act to sell beer, except beer purchased from a per-  
 4     son holding a subsisting class “A” permit issued in accordance with  
 5     the provisions of this Act, and/or on which the tax provided in sec-  
 6     tion one hundred thirty-six (136) of this Act, has been paid. How-  
 7     ever, the provisions of this section shall not apply to the holders of  
 8     special class “B” permits issued under section one hundred thirty-  
 9     three (133) of this Act, for sales in cars engaged in interstate com-  
 10    merce nor to class “D” liquor control licensees as provided in this  
 11    Act.

12    It shall be unlawful for any person not holding a class “A” permit  
 13    to import beer into this state for the purpose of sale or resale.

1     **SEC. 143. Distribution of funds.** The revenues obtained from  
 2     permit fees and the barrel tax collected under the provisions of this  
 3     Act shall be distributed as follows:

4     1. All retail beer permit fees collected by any local authority at  
 5     the time application for the permit is made, and remitted with the  
 6     permit application to the department, shall be refunded by the de-  
 7     partment to the local authority at the time the permit is issued.

8     2. All permit fees and taxes collected by the department under  
 9     this division shall accrue to the state general fund, except as other-  
 10    wise provided.

1     **SEC. 144. Bottling beer.** No person shall bottle beer within the  
 2     state of Iowa for purposes other than for individual consumption in

3 a private home, except class "A" permittees who have complete  
4 equipment for bottling beer and who have received the approval of  
5 the local board of health as to sanitation, and it shall be the duty  
6 of local boards of health to inspect the premises and equipment of  
7 class "A" permittees who desire to bottle beer.

1 **SEC. 145. Labels on bottles, barrels, etc.—conclusive evidence.**  
2 The label on any bottle, keg, barrel, or other container in which beer  
3 is offered for sale in this state, representing the alcoholic content  
4 of such beer as being in excess of four per centum by weight shall be  
5 conclusive evidence as to the alcoholic content of the beer contained  
6 therein.

1 **SEC. 146. Saving clause.** This Act shall not impair or affect any  
2 act done, offense committed or right accruing, secured or acquired,  
3 or penalty, forfeiture, or punishment incurred prior to the time this  
4 Act takes effect, but the same may be enjoyed, asserted, enforced,  
5 prosecuted, or inflicted, as fully and to the same extent as if this Act  
6 had not been passed.

1 **SEC. 147.** Chapter eighty (80), Code 1971, is amended by add-  
2 ing the following section thereto:

3 The commissioner of public safety shall establish a division of  
4 beer and liquor law enforcement and appoint a chief enforcement  
5 officer to head the division, who shall be an attorney licensed to prac-  
6 tice in the state, and the other agents needed in the division as are  
7 necessary to enforce the provisions of Title VI of the Code. All en-  
8 forcement officers, assistants, and agents of the division, excluding  
9 clerical workers, shall be subject to the provisions of section eighty  
10 point fifteen (80.15) of the Code.

1 **SEC. 148.** Section ninety-seven A point one (97A.1), subsection  
2 two (2), Code 1971, is amended as follows:

3 2. "Peace officer" or "peace officers" shall mean all members of  
4 the divisions of highway safety and uniformed force and criminal  
5 investigation and bureau of identification in the department of public  
6 safety, except clerical workers, who have passed a satisfactory phys-  
7 ical and mental examination and have been duly appointed as mem-  
8 bers of the state department of public safety in accordance with  
9 the provisions of section 80.15 and the division of drug law enforce-  
10 ment in the department of public safety except clerical workers, *and*  
11 *the division of beer and liquor law enforcement of the department*  
12 *of public safety, except clerical workers.*

1 **SEC. 149.** All agents of the enforcement division of the liquor  
2 control commission and the appropriation to sustain them are, on  
3 the effective date of this Act, transferred to the department of pub-  
4 lic safety as agents of the division of beer and liquor law enforce-  
5 ment, whether or not they qualify as such under chapter eighty (80)  
6 of the Code, notwithstanding the provisions of section one hundred  
7 forty-seven (147) of this Act; however, those agents who do not  
8 qualify as such under chapter eighty (80) of the Code shall remain  
9 members of the Iowa public employees retirement system. This sec-  
10 tion shall only be printed in the session laws and not made a perma-  
11 nent part of the Code.

1 SEC. 150. Section seven hundred thirteen point twenty-four  
2 (713.24), subsection two (2), Code 1971, is amended by adding the  
3 following new paragraph:

4 e. Any violations of this Act or any other provisions of law by a  
5 manufacturer, distiller, vintner, importer, or any other person par-  
6 ticipating in the distribution of alcoholic liquor or beer as defined in  
7 this Act.

1 SEC. 151. Section ninety-seven A point three (97A.3), subsec-  
2 tion one (1), Code 1971, is amended as follows:

3 1. All members of the division of highway safety and uniformed  
4 force and the division of criminal investigation and bureau of iden-  
5 tification in the department of public safety, excepting the members  
6 of the clerical force, who are employed by the state of Iowa when  
7 this chapter becomes effective, and all persons thereafter employed  
8 as members of such divisions in the department of public safety  
9 or division of drug law enforcement *or qualified members of the*  
10 *division of beer and liquor law enforcement* in said department ex-  
11 cept the members of the clerical force, shall be members of this sys-  
12 tem. Such members shall not be required to make contributions  
13 under any other pension or retirement system of the state of Iowa,  
14 anything to the contrary notwithstanding.

1 SEC. 152. Section eighty point twenty-five (80.25), and chapters  
2 one hundred twenty-three (123), one hundred twenty-three C (123C),  
3 one hundred twenty-four (124), one hundred twenty-five (125), one  
4 hundred twenty-six (126), one hundred twenty-eight (128), one  
5 hundred twenty-nine (129), one hundred thirty (130), one hun-  
6 dred thirty-one (131), one hundred thirty-two (132), one hundred  
7 thirty-three (133), and one hundred thirty-four (134), Code 1971,  
8 are repealed.

1 SEC. 153. 1. Unless otherwise provided, the effective date of this  
2 Act shall be January 1, 1972; however, the appointments which are  
3 required to be made pursuant to sections six (6) and ten (10) of this  
4 Act may be made prior to that date for transitional purposes.

5 2. The Iowa liquor control commission, created pursuant to sec-  
6 tion one hundred twenty-three point six (123.6) of the Code, shall  
7 continue to discharge its duties under Title VI of the Code, and its  
8 members are entitled to full salary and other benefits, through De-  
9 cember 31, 1971, at which time the commission shall be abolished  
10 and all rights, functions, and duties pertaining to the commission  
11 and its members shall cease. Any member whose term expires on  
12 June 30, 1971 shall not be replaced as provided by law and such  
13 members shall continue in office through December 31, 1971.

14 3. On January 1, 1972 all unexpended funds of the Iowa liquor  
15 control commission, from whatever source obtained, all real and  
16 personal property, including buildings, offices, furniture, fixtures,  
17 and supplies of the commission, and all personnel of the commission  
18 not otherwise affected by this Act, shall be transferred to the Iowa  
19 beer and liquor control department created by this Act. Any appro-  
20 priation previously made to the Iowa liquor control commission shall,  
21 after January 1, 1972, be deemed to have been made to the Iowa beer  
22 and liquor control department.



23 4. This section shall only be printed in the session laws and not  
24 made a permanent part of the Code.

Approved June 16, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 132

### BEER TAX

S. F. 514

AN ACT to increase the tax on beer.

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

1 SECTION 1. Section one hundred twenty-four point twenty-five  
2 (124.25), unnumbered paragraph one (1), Code 1971, is amended as  
3 follows:

4 In addition to the annual permit fee to be paid by all class "A" per-  
5 mittees, under the provisions of this chapter, there shall be levied  
6 and collected from such permittees on all beer manufactured for sale  
7 or sold in this state at wholesale and on all beer imported into this  
8 state for sale at wholesale and sold in this state at wholesale, a tax  
9 of [three] *four* and [seventy-two] *thirty-four* hundredths dollars for  
10 every barrel containing thirty-one gallons, and at a like rate for any  
11 other quantity or for the fractional part of a barrel. Provided, how-  
12 ever, that no tax shall be levied or collected on beer shipped outside  
13 this state by a class "A" permittee or sold by one class "A" permittee  
14 to another class "A" permittee.

1 SEC. 2. House File one hundred seventy-two (172), section one  
2 hundred thirty-six (136), unnumbered paragraph one (1), Acts of the  
3 Sixty-fourth General Assembly, First Session, is amended as follows:

4 In addition to the annual permit fee to be paid by all class "A"  
5 permittees under the provisions of this Act there shall be levied and  
6 collected from such permittees on all beer manufactured for sale or  
7 sold in this state at wholesale and on all beer imported into this  
8 state for sale at wholesale and sold in this state at wholesale, a tax  
9 of [three] *four* and [seventy-two] *thirty-four* hundredths dollars for  
10 every barrel containing thirty-one gallons, and at a like rate for any  
11 other quantity or for the fractional part of a barrel. However, no  
12 tax shall be levied or collected on beer shipped outside this state by  
13 a class "A" permittee or sold by one class "A" permittee to another  
14 class "A" permittee.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

CHAPTER 133†  
MOBILE HOME TAX  
S. F. 40

AN ACT relating to the notification of mobile homeowners of tax assessments and providing certain penalties.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-four  
2 (135D.24), unnumbered paragraph one (1), Code 1971, is amended  
3 as follows:

4 The semiannual tax provided herein shall be due and payable to the  
5 county treasurer semiannually on or before January 1 and July 1 in  
6 each year; and shall be delinquent February 1 and August 1 in each  
7 year, after which a penalty of five percent shall be added each month  
8 until paid. The semiannual payment of taxes and license may be paid  
9 at one time if so desired. A mobile home parked and put to use at any  
10 time after January 1 or July 1 shall be immediately subject to the said  
11 taxes prorated for the remaining months or days of the tax period.  
12 Said tax shall be due and payable immediately, and delinquent thirty  
13 days after said parking and subject to the same penalties herein set  
14 out. Not more than thirty days nor less than ten days prior to the  
15 date that the tax becomes delinquent, the county treasurer shall cause  
16 to be published in a newspaper of general circulation in the county,  
17 a notice to mobile homeowners. The notification shall include the date  
18 the tax becomes delinquent, and the penalty which will apply when  
19 delinquent.

20 Mobile homeowners shall register the address, township, and school  
21 district, of the location where the mobile home is parked with the  
22 county treasurer's office. Failure to comply shall be punishable as set  
23 out in section 18, of this chapter.

1 SEC. 2. Section one hundred thirty-five D point twenty-four  
2 (135D.24), unnumbered paragraph three (3), Code 1971, is amended  
3 as follows:

4 The county treasurer shall report the name of any owner of a mobile  
5 home and the year, make, and serial number of each unit on which  
6 there is no current registration plate to the county sheriff, who shall  
7 be the enforcement agency for enforcement of the tax provisions im-  
8 posed by this chapter.

Approved April 1, 1971.

†See Editor's note, page iii.

## CHAPTER 134

## MOBILE HOMES TAXATION

S. F. 65

AN ACT relating to taxation of mobile homes.

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

1 SECTION 1. Section one hundred thirty-five D point twenty-five  
 2 (135D.25), Code 1971, is amended by striking the section and insert-  
 3 ing in lieu thereof the following:

4 The tax and penalties collected under the provisions of section one  
 5 hundred thirty-five D point twenty-four (135D.24), shall be appor-  
 6 tioned in the same manner as though they were the proceeds of taxes  
 7 levied on real property at the same location as such mobile home.

1 SEC. 2. Section one hundred thirty-five D point twenty-eight  
 2 (135D.28), unnumbered paragraph two (2), Code 1971, is amended  
 3 by striking the paragraph and inserting in lieu thereof the following:

4 The owner may qualify by filing an affidavit relating to his age and  
 5 income with the county treasurer, from which the county treasurer  
 6 shall make a determination of eligibility of the applicant to qualify  
 7 for the lower tax rate.

Approved March 16, 1971.

## CHAPTER 135

## ENUCLEATING OF EYES

H. F. 170

AN ACT relating to the enucleating of eyes by funeral directors or embalmers.

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

1 SECTION 1. Section one hundred forty-two A point seven  
 2 (142A.7), subsection two (2), Code 1971, is amended by adding the  
 3 following new paragraph:

4 "A licensed funeral director or embalmer, as defined in chapter one  
 5 hundred fifty-six (156) of the Code, upon successfully completing a  
 6 course in eye enucleation and receiving a certificate of competence  
 7 from the department of ophthalmology, college of medicine, of the  
 8 university of Iowa, may enucleate the eyes of a donor."

Approved April 15, 1971.

## CHAPTER 136

## CHIROPRACTIC EXAMINERS

S. F. 138

AN ACT to establish a chiropractic examining board fund and to increase the fee for renewal of a license to practice chiropractic.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),  
 2 subsection seven (7), Code 1971, is amended as follows:  
 3 7. For the renewal of a license to practice any of the professions  
 4 enumerated in the preceding subsections, one dollar; except the re-  
 5 newal fee of a license to practice medicine and surgery, osteopathic  
 6 medicine and surgery, or osteopathy shall be fifteen dollars, and ex-  
 7 cept the renewal fee to practice cosmetology shall be three dollars,  
 8 and except the renewal fee of a license to practice *chiropractic* or  
 9 pharmacy shall be twelve dollars and fifty cents, and except the re-  
 10 newal fee of a license to practice nursing shall be four dollars and  
 11 except the renewal fee of a license to practice funeral directing and  
 12 the renewal fee of a license to practice embalming shall be two dol-  
 13 lars each, and except the renewal fee of a license to practice podiatry  
 14 shall be fifteen dollars, and except the renewal fee of a license to prac-  
 15 tice optometry, or barbering shall be five dollars.

1 SEC. 2. Section one hundred forty-seven point eighty (147.80),  
 2 subsection two (2), Code 1971, is amended by adding the following  
 3 new sentence:  
 4 "For a license to practice chiropractic issued by endorsement or un-  
 5 der a reciprocal agreement, one hundred dollars."

1 SEC. 3. Section one hundred forty-seven point one hundred three  
 2 (147.103), unnumbered paragraph one (1), Code 1971, is amended as  
 3 follows:  
 4 *All fees paid to the department by practitioners of chiropractic*  
 5 *shall be transmitted by the department to the treasurer of state who*  
 6 *shall deposit the fees in a separate fund to be known as the chiroprac-*  
 7 *tic examining board fund, to be used by the chiropractic examiners to*  
 8 *assist in administering and enforcing the laws relating to the prac-*  
 9 *tice of chiropractic. The fund shall be continued from year to year*  
 10 *and the treasurer of state shall keep a separate account of the fund*  
 11 *showing receipts and disbursements, and any remainder in the fund*  
 12 *in excess of twenty-five thousand dollars at the end of each biennium*  
 13 *shall be paid into the general fund of the state. The fund shall be*  
 14 *subject at all times to the warrant of the state comptroller, drawn*  
 15 *upon written requisition of the chairman of the chiropractic examiners*  
 16 *and attested by the secretary, for the payment of all salaries, per*  
 17 *diem expense, and other expenses necessary to administer and aid in*  
 18 *the enforcement of the provisions of law relating to the practice of*  
 19 *chiropractic, but the total expenses of the chiropractic examiners shall*  
 20 *not exceed the total fees collected and deposited to the credit of the*  
 21 *fund. Subject to the approval of the executive council, the chiroprac-*  
 22 *tic examining board may employ such clerical assistance as may be*  
 23 *necessary to said board to perform the duties imposed upon it by law.*  
 24 Payment for such assistance shall be made [out of the appropriation

25 provided for said examining board in the biennial departmental ap-  
 26 propriations] *from the chiropractic examining board fund.* The ex-  
 27 ecutive council shall also furnish said board with the necessary quar-  
 28 ters and all articles and supplies required for public use, and the pro-  
 29 visions of section 147.26 shall not apply to said board.

Approved May 27, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 137

### PHYSICIANS' ASSISTANTS

S. F. 78

AN ACT to establish a program to permit doctors' assistants to work under a doctor's supervision.

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

- 1 SECTION 1. **Definitions.** For the purposes of this chapter:  
 2 1. "Board" means the board of medical examiners of the state of  
 3 Iowa.  
 4 2. "Department" means the state department of health.  
 5 3. "Approved program" means a program for the education of phy-  
 6 sician's assistants which has been formally approved by the board.  
 7 4. "Trainee" means a person who is currently enrolled in an ap-  
 8 proved program.  
 9 5. "Physician" means a person who is currently licensed in Iowa  
 10 to practice medicine and surgery, osteopathic medicine and surgery,  
 11 or osteopathy.  
 12 6. "Physician's assistant" means a person who has successfully  
 13 completed an approved program or is otherwise found to be qualified  
 14 as a physician's assistant and is approved by the board to perform  
 15 medical services under the supervision of one or more physicians  
 16 approved by the board to supervise such assistant. The term "super-  
 17 vision" shall not be construed as requiring the personal presence of  
 18 a supervising physician at the place where such services are rendered  
 19 except insofar as the personal presence is required by the rules and  
 20 regulations adopted pursuant to this Act or as is expressly required  
 21 in this Act.
- 1 SEC. 2. **Approved programs.** The department shall issue certifi-  
 2 cates of approval for programs for the education and training of physi-  
 3 cian's assistants which meet board standards. In developing criteria  
 4 for program approval, the board shall give consideration to and en-  
 5 courage the utilization of equivalency and proficiency testing and  
 6 other mechanisms whereby full credit is given to trainees for past  
 7 education and experience in health fields. The board shall adopt and  
 8 publish standards to insure that such programs operate in a manner  
 9 which does not endanger the health and welfare of patients who  
 10 receive services within the scope of the program. The board shall  
 11 review the quality of curriculum, faculty, and the facilities of such  
 12 programs and shall issue certificates of approval. The board may  
 13 adopt such regulations as are reasonably necessary to carry out the  
 14 purposes of this chapter.

15 If the board determines that a person has sufficient knowledge and  
16 experience to qualify as a physician's assistant, the board may ap-  
17 prove an application to supervise such person as a physician's assist-  
18 ant without requiring the completion of an approved program.

1 **SEC. 3. Application.** The board shall formulate guidelines for  
2 the consideration of applications by a licensed physician to supervise  
3 physician's assistants. Each application made by a physician to the  
4 board shall include all of the following:

5 1. The qualifications, including related experience, possessed by  
6 the proposed physician's assistant.

7 2. The professional background and specialty of the physician.

8 3. A description by the physician of his practice, and the way in  
9 which the assistant is to be utilized.

10 The board shall not approve an application by any one physician  
11 to supervise more than two physician's assistants at any one time.

12 The board shall approve an application by a licensed physician to  
13 supervise a physician's assistant when the board finds that the pro-  
14 posed assistant is a graduate of an approved program, and is fully  
15 qualified by reason of experience or education to perform medical  
16 services under the supervision of a licensed physician.

17 The board may modify the proposed utilization of a physician's  
18 assistant as detailed in any application and then approve the appli-  
19 cation as modified. A physician's assistant shall perform only those  
20 services for which he is qualified by training, and shall not perform  
21 any service that is not permitted to be performed by the board. Ap-  
22 proval of an application to supervise a physician's assistant may be  
23 revoked or suspended at any time upon such grounds and pursuant  
24 to such procedure as the board shall establish by regulation.

1 **SEC. 4. Services performed by assistants.** A physician's assist-  
2 ant may perform medical service when such services are rendered  
3 under the supervision of a licensed physician or physicians approved  
4 by the board. A trainee may perform medical services when such  
5 services are rendered within the scope of an approved program.

1 **SEC. 5. Advisory committee created.** There is established an  
2 advisory committee on physicians' assistant programs which shall be  
3 advisory to the board on matters pertaining to the education of physi-  
4 cians' assistants and approval of applicants to supervise a physician's  
5 assistant. The committee shall consist of eight members appointed  
6 by the governor. The members of the committee shall include one  
7 representative of the medical board who shall be chairman of the  
8 committee, a representative of an Iowa medical school, an educator  
9 with experience in the development of health manpower program-  
10 ming, one physician, and one registered nurse. Each member of the  
11 committee shall receive a per diem and expenses within the limits pre-  
12 scribed by section one hundred forty-seven point twenty-four (147.24)  
13 of the Code. Per diem and expense payments shall be made from the  
14 state board of medical examiners fund.

1 **SEC. 6. Report of the committee.** The board shall report to the  
2 governor and general assembly no later than January 31, 1973:

3 1. The number and types of programs which have been approved

4 and a description of each.

5 2. The number of physicians' assistants who have been approved  
6 for supervision under this Act.

7 3. The education and qualifications of each physician's assistant.

8 4. Background concerning the numbers of physicians supervising  
9 assistants, their specialties, and the counties in which they practice.

10 5. The scope of practice of approved physicians' assistants.

11 6. Recommendations for establishing a permanent program for  
12 physicians' assistants.

13 In developing criteria for program approval and approval of appli-  
14 cations to utilize physician's assistants and in preparing its report,  
15 the board shall consult with and seek the advice of professional medi-  
16 cal organizations and specialty societies.

1 SEC. 7. **Fees.** A fee of ten dollars shall be charged for each appli-  
2 cation to the board by a physician to supervise each physician's as-  
3 sistant. A fee of fifty dollars shall be charged for each approval  
4 initially granted by the board. Approval shall be limited to one  
5 year. The board may renew an application, and a fee of twenty-five  
6 dollars shall be paid for such renewal. A fee of fifty dollars shall  
7 be charged to each applicant seeking program approval by the board.

8 Fees required by this section shall be remitted by one department  
9 in the name of the board to the treasurer of state and deposited by  
10 him in the state board of medical examiners fund. Such fees shall  
11 be used to finance the provisions of this Act and shall be subject to  
12 the provisions of section one hundred forty-seven point one hundred  
13 three (147.103) of the Code. However, the fees required by this  
14 Act shall not be included in computing the remainder in excess of  
15 twenty-five thousand dollars in the state board of medical examiners  
16 fund as provided in section one hundred forty-seven point one hun-  
17 dred three (147.103) of the Code, and such fees shall not revert to  
18 the general fund of the state.

1 SEC. 8. **Regulations.** Regulations adopted by the board to im-  
2 plement the provisions of this Act shall be designed to encourage the  
3 utilization of physicians' assistants in a manner that is consistent  
4 with the provision of quality health care and medical services for  
5 the citizens of Iowa through better utilization of available physicians  
6 and the development of sound programs for the education and train-  
7 ing of skilled physicians' assistants well qualified to assist physicians  
8 in providing health care and medical services.

1 SEC. 9. **Right to delegate.** Nothing in this Act shall affect or  
2 limit a physician's existing right to delegate various medical tasks  
3 to aides, assistants or others acting under his supervision or direc-  
4 tion. Aides, assistants or others who perform only those tasks  
5 which can be so delegated shall not be required to qualify as physi-  
6 cians' assistants hereunder.

1 SEC. 10. No physician's assistant shall be permitted to prescribe  
2 lenses, prisms or contact lenses for the aid, relief or correction of  
3 human vision. No physician's assistant shall be permitted to meas-  
4 ure the visual power and visual efficiency of the human eye, as dis-  
5 tinguished from routine visual screening, except in the personal pres-

6 ence of a supervising physician at the place where such services are  
7 rendered.

1 SEC. 11. **Applicability of other provisions of law.** The provisions  
2 of chapter one hundred forty-seven (147) of the Code, not otherwise  
3 inconsistent with the provisions of this Act, shall apply to the pro-  
4 visions of this Act.

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 Tele-  
3 graph-Herald, a newspaper published in Dubuque, Iowa, and in the  
4 Eldora Herald-Ledger, a newspaper published in Eldora, Iowa.

Approved April 26, 1971.

I hereby certify that the foregoing Act, Senate File 78, was published in The  
Telegraph-Herald, Dubuque, Iowa, May 3, 1971, and in the Eldora Herald-Ledger,  
Eldora, Iowa, May 4, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 138

### ADVERTISING BY CHIROPRACTORS

#### S. F. 199

AN ACT relating to prohibited advertising practices by chiropractors and providing  
a penalty therefor.

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

1 SECTION 1. Chapter one hundred forty-seven (147), Code 1971, is  
2 amended by adding the following new section:  
3 "The license of a chiropractor shall be placed on probation upon a  
4 showing at a hearing conducted by the board of chiropractic examiners  
5 that such licensee is guilty of false, fraudulent or misleading ad-  
6 vertising or that such licensee advertised in any publication or through  
7 any communication media the prices for which his services are avail-  
8 able. Any proceeding for the probation of a chiropractic license shall  
9 be conducted by the board of chiropractic examiners in a manner sub-  
10 stantially in accord with the provisions of section one hundred forty-  
11 eight point seven (148.7) of the Code."

Approved June 30, 1971.

## CHAPTER 139

### REGISTRATION OF ANIMALS

#### H. F. 47

AN ACT relating to the registration of animals.

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

1 SECTION 1. Section one hundred fifty-nine point six (159.6), sub-  
2 section two (2), and chapter one hundred sixty-two (162), Code 1971,  
3 are repealed.

Approved February 19, 1971.



## CHAPTER 140

## POULTRY ASSOCIATION

H. F. 384

AN ACT to change certain references in the Code from "Poultry and Hatchery Association" to "Poultry Association, Incorporated".

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

1 SECTION 1. Section one hundred fifty-nine point twenty-five  
2 (159.25), Code 1971, is amended as follows:

3 **159.25 Marketing board.** There is hereby established an agricul-  
4 ture marketing board, to be thus known and designated.

5 The agriculture marketing board shall be composed of the secre-  
6 tary of agriculture and the dean of agriculture at Iowa State Uni-  
7 versity of science and technology who shall serve as members of the  
8 advisory board without vote, and a producer member from each of  
9 the following statutory associations: Iowa swine producers associa-  
10 tion, Iowa beef cattle producers association, Iowa state sheep asso-  
11 ciation, Iowa poultry [and hatchery] association, *incorporated*, Iowa  
12 state dairy association, Iowa crop improvement association, Iowa soy-  
13 bean association, Iowa corn growers association, and state horticul-  
14 ture society. The names of three persons shall be certified to the sec-  
15 retary of agriculture by the presidents of the Iowa swine producers  
16 association, Iowa beef cattle producers association, Iowa poultry  
17 [and hatchery] association, *incorporated*, and state horticulture soci-  
18 ety by June 1 of each odd-numbered year. The secretary of agricul-  
19 ture shall appoint by July 1 one of these three from each organiza-  
20 tion to the agriculture marketing board. Such an appointee shall  
21 serve for a period of two years beginning on July 1 of the year of  
22 his appointment and until his successor is appointed or qualified.  
23 Three names shall be submitted and appointments made in the same  
24 manner in even-numbered years for representation from the Iowa  
25 state dairy association, Iowa soybean association, Iowa corn grow-  
26 ers association, Iowa state sheep association, and Iowa crop im-  
27 provement association. Any vacancy occurring in the agriculture  
28 marketing board shall be filled within two months of the vacancy in  
29 the manner provided in this section.

30 Appointive members of the board shall receive actual necessary  
31 expenses and mileage at the rate of seven cents per mile incurred  
32 while engaged in the business of the agriculture marketing board.

Approved May 7, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 141†

## BRUCELLOSIS TESTS

H. F. 130

AN ACT relating to brucellosis tests.

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

1 SECTION 1. Section one hundred sixty-three A point one (163A.1),  
2 subsections three (3), four (4), five (5), and ten (10), Code 1971, are  
3 amended as follows:

†See Editor's note, page iii.

4 3. "Brucellosis test" means the test for brucellosis which is ap-  
5 proved by the department and administered in accordance with the  
6 techniques approved by the department.

7 4. "Infected animal" or "reactor" means an animal which has given  
8 a positive reaction as determined by departmental standards to the  
9 brucellosis test.

10 5. "Negative animal" means an animal which does not give a posi-  
11 tive reaction to the brucellosis test.

12 10. "Validated brucellosis-free herd" means a herd which has had  
13 a minimum of two brucellosis tests made on all boars, sows and gilts  
14 over six months of age, between thirty and ninety days apart with no  
15 positive reactions. The validation shall be in force and effect for one  
16 year from the date of the last test and shall be renewable on an annual  
17 basis by the completion of a single test on boars, sows and gilts over  
18 six months of age with no reactions positive.

1 SEC. 2. Section one hundred sixty-four point seven (164.7), Code  
2 1971, is amended as follows:

3 164.7 Certificate issued. Whenever an official test of any cattle  
4 is made by an accredited veterinarian authorized by the department,  
5 and such cattle are found to be free from brucellosis, a certificate,  
6 setting forth this fact, shall be issued by said veterinarian or the  
7 department, providing all rules and regulations under the plan  
8 adopted by the department for the control and eradication of bruce-  
9 llosis in cattle have been complied with.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in The Mt.  
3 Pleasant News, a newspaper published in Mount Pleasant, Iowa, and  
4 in The Centerville Daily Iowegian & Citizen, a newspaper published  
5 in Centerville, Iowa.

Approved April 5, 1971.

I hereby certify that the foregoing Act, House File 130, was published in The Mt. Pleasant News, Mount Pleasant, Iowa, April 8, 1971, and in The Centerville Daily Iowegian & Citizen, Centerville, Iowa, April 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 142

### STATE FAIR BOARD

#### H. F. 614

AN ACT relating to 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 one (173.1),  
2 subsection three (3), Code 1971, is amended as follows:

3 3. A president and vice-president to be elected by the state fair  
4 board from the [ten] *nine* elected directors.

1 SEC. 2. Section one hundred seventy-three point eight (173.8),  
2 Code 1971, is amended as follows:

3 173.8 **Elective members — compensation.** The members of the  
4 board elected at the annual convention shall be allowed [twenty]  
5 *thirty* dollars a day and necessary traveling and hotel expenses for  
6 attending the meetings of the board and for services rendered in  
7 carrying on the state fair.

1 SEC. 3. Persons who are members of the state fair board on the  
2 effective date of this Act shall complete the term of office for which  
3 they were elected.

Approved May 17, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 143

### SOYBEAN PROMOTION BOARD

S. F. 296

AN ACT relating to the establishment of a soybean promotion fund to receive assessments made on the sale of soybeans; to establish an Iowa soybean promotion board; to provide for a referendum among soybean producers and to provide penalties.

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

1 SECTION 1. As used in this Act:

2 1. "Secretary" means the secretary of agriculture.

3 2. "Board" means the Iowa soybean promotion board established  
4 by this Act.

5 3. "Promotional order" means an order administered pursuant to  
6 this Act which establishes a program for the promotion, research  
7 and market development of soybeans and provides for an assessment  
8 to finance the program.

9 4. "Market development" means to engage in research and edu-  
10 cational programs directed toward better and more efficient utiliza-  
11 tion of soybeans; to provide methods and means, including but not  
12 limited to, public relations and other promotion techniques for the  
13 maintenance of present markets; to provide for the development of  
14 new or larger domestic and foreign markets; and to provide for the  
15 prevention, modification, or elimination of trade barriers which ob-  
16 struct the free flow of soybeans.

17 5. "Producer" means any individual, firm, corporation, partner-  
18 ship, or association engaged in this state in the business of producing  
19 and marketing in their name at least two hundred fifty bushels of  
20 soybeans in the previous marketing year.

21 6. "First purchaser" means any person, corporation, association,  
22 cooperative, partnership, commercial buyer, dealer, or processor who  
23 resells soybeans purchased from a producer or offers for sale any  
24 product produced from such soybeans for any purpose.

25 7. "Marketing year" means the twelve-month period beginning the  
26 first day of September and ending on the following thirty-first day  
27 of August.

28 8. "District" means an official crop reporting district formed by

29 the United States department of agriculture and set out in the annual  
30 farm census published by the Iowa department of agriculture.

31 9. "Soybeans" means and includes all kinds of varieties of soy-  
32 beans grown in this state and marketed or sold as soybeans by the  
33 producer.

34 10. "Bushel" means sixty pounds of soybeans by weight.

35 11. "Assessment" means an excise tax on each bushel of soybeans  
36 raised and sold in this state as provided in this Act.

1 SEC. 2. Upon receipt of a petition signed by at least five hundred  
2 producers requesting an initial referendum election to determine  
3 whether a promotional order shall be placed in effect, the secretary  
4 shall call an initial referendum election to be conducted within sixty  
5 days following receipt of the petition. Producers shall vote by writ-  
6 ten ballot in the manner provided by this Act for referendum elec-  
7 tions.

1 SEC. 3. If a majority of the producers voting in the referendum  
2 election approve the passage of the promotional order, an Iowa soy-  
3 bean promotion board shall be established. The board shall consist  
4 of one director elected from each district in the state, except that a  
5 district producing more than an average of twenty-five million bushels  
6 of soybeans in the three previous marketing years is entitled to two  
7 directors.

1 SEC. 4. For the initial board, the secretary shall notify the  
2 Iowa soybean association, mentioned in section one hundred fifty-nine  
3 point twenty-five (159.25) of the Code, immediately after approval  
4 of a promotional order at the referendum election and the association  
5 shall nominate two candidates for each position as director. Candi-  
6 dates shall be resident producers of the district from which they are  
7 nominated. The secretary shall receive the nominations, and shall  
8 call an election for members of the initial board within thirty days  
9 following passage of the promotional order.

1 SEC. 5. Notice of the initial election for directors of the board  
2 shall be given by the secretary by publication in a newspaper of  
3 general circulation in the state at least five days prior to the date of  
4 the election and in any other reasonable manner as may be deter-  
5 mined by the secretary. The notice shall set forth the period of time  
6 for voting, voting places, and such other information as the secretary  
7 may deem necessary.

8 Notice of subsequent elections for directors of the board in a dis-  
9 trict shall be given by the board by publication in a newspaper of  
10 general circulation in the district and in any other reasonable man-  
11 ner as may be determined by the board and shall set forth the period  
12 of time for voting, voting places, and such other information as the  
13 board may deem necessary.

1 SEC. 6. In districts electing one director, the candidate receiving  
2 the highest number of votes shall be elected. In districts electing  
3 two directors, producers shall vote for two directors, and the two  
4 candidates receiving the highest number of votes shall be elected.

1 SEC. 7. Director terms shall be for three years and no director  
2 of the board shall serve for more than three complete consecutive  
3 terms.

4 The terms of office for the initial board shall be determined by lot.  
5 As nearly as possible one-third of the directors shall serve for one  
6 year, one-third of the directors shall serve for two years, and one-  
7 third of the directors shall serve for three years. The initial board  
8 shall not contain two directors from the same district serving the  
9 same term.

1 SEC. 8. After election of the initial board, the board shall admin-  
2 ister subsequent elections for directors of the board with the assist-  
3 ance of the secretary. Prior to the expiration of a director's term  
4 of office, the board shall appoint a nominating committee for the dis-  
5 trict represented by such director. The nominating committee shall  
6 consist of five producers who are residents of the district from which  
7 a director must be elected. The nominating committee shall nominate  
8 two resident producers as candidates for each director position for  
9 which an election is to be held. Additional candidates may be nomi-  
10 nated by a written petition of one hundred producers. Procedures  
11 governing the time and place of filing shall be promulgated and pub-  
12 licized by the board.

1 SEC. 9. The board shall by appointment fill an unexpired term if  
2 a vacancy occurs in the board.

1 SEC. 10. The secretary, the dean of the college of agriculture of  
2 Iowa state university of science and technology, and the director of  
3 the Iowa development commission, or their designees, and two repre-  
4 sentatives of first purchaser organizations shall serve on the board  
5 as ex officio members. One each of the two first purchaser represent-  
6 atives shall be appointed by, and serve at the pleasure of, the Iowa  
7 grain and feed association and the farmers grain dealers association  
8 of Iowa.

1 SEC. 11. The purposes of the board shall be to:

2 1. Enter into contracts or agreements with recognized and qual-  
3 ified agencies or organizations for the development and carrying out  
4 of research and education programs directed toward better and more  
5 efficient production, marketing, and utilization of soybeans and soy-  
6 bean products.

7 2. Provide methods and means, including, but not limited to, public  
8 relations and other promotion techniques for the maintenance of  
9 present markets.

10 3. Assist in development of new or larger markets, both domestic  
11 and foreign, for soybeans and soybean products.

12 4. Work for prevention, modification, or elimination of trade bar-  
13 riers which obstruct the free flow of soybeans and soybean products  
14 to market.

1 SEC. 12. The board shall:

2 1. Elect a chairman and other officers as advisable.

3 2. Administer this Act, and perform all acts reasonably necessary  
4 to effectuate the purposes of this Act.

1 SEC. 13. The board may:

2 1. Employ and discharge assistants and professional counsel as  
3 necessary, prescribe their duties and powers, and fix their compensa-  
4 tion.

5 2. Establish offices, incur expenses, and enter into any contracts  
6 or agreements necessary to carry out the purposes of this Act.

7 3. Adopt, rescind, and amend all proper and necessary rules and  
8 regulations for the exercise of its powers and duties.

9 4. Enter into arrangements for collection of the assessment on  
10 Iowa grown soybeans from persons purchasing soybeans outside of  
11 Iowa.

1 SEC. 14. Each member of the board shall receive thirty dollars  
2 per day and actual expenses in performing official board functions  
3 not to exceed forty days per year. No member of the board shall be  
4 a salaried employee of the board or any organization or agency which  
5 is receiving funds from the board. The board shall meet at least  
6 once every three months, and at such other times as deemed neces-  
7 sary by the board.

1 SEC. 15. The initial board shall meet and organize following the  
2 members' election, and the promotional order, including the assess-  
3 ment, shall become effective sixty days following the date of the elec-  
4 tion of the board. A promotional order shall be effective for four  
5 years from its effective date.

1 SEC. 16. Notice of a referendum election to initiate or extend a  
2 promotional order shall be given by publication in a newspaper of  
3 general circulation in this state at least ten days prior to the date  
4 of the referendum and in any other reasonable manner as may be  
5 determined by the secretary for the initial referendum and by the  
6 board for extension of the promotional order.

1 SEC. 17. The notice of referendum shall set forth the period of  
2 time for voting, voting places and such other information as the sec-  
3 retary may deem necessary in an initial referendum. The board shall  
4 make such determinations in any subsequent referendum.

1 SEC. 18. At the close of a referendum voting period, the secretary  
2 shall count and tabulate the ballots cast during the referendum period.

1 SEC. 19. The ballots shall constitute conclusive evidence as to the  
2 validity of the promotional order.

1 SEC. 20. Only producers are eligible to vote in an election for  
2 directors or a referendum election and only in the district in which  
3 they reside. A producer shall sign an affidavit furnished by the sec-  
4 retary at the time of voting certifying his eligibility to vote. Each  
5 qualified producer shall be entitled to one vote.

1 SEC. 21. The board shall set the assessment rate. Assessments  
2 pursuant to the promotional order shall be paid into the soybean  
3 promotion fund established in section twenty-six (26) of this Act.  
4 An assessment shall not exceed one-half cent per bushel upon soy-  
5 beans produced in this state and sold to a first purchaser. The rate  
6 of assessment shall be determined by the board but shall not be  
7 changed, once established, during a marketing year.

1 SEC. 22. After a promotional order has been issued, the first pur-  
2 chaser at the time of payment for soybeans shall show the total

3 amount of assessment deducted from the sale on the purchase invoice.

1 SEC. 23. The assessment shall be deducted from the purchase  
2 price of soybeans at the time of sale, and forwarded to the secretary  
3 by the first purchaser in the manner and at intervals determined by  
4 the board.

1 SEC. 24. If a promotional order has been canceled by a referen-  
2 dum, and all funds expended, the board shall cease to function. Any  
3 funds remaining one year following the termination of a promotional  
4 order shall be disbursed by the board to the Iowa soybean association,  
5 American soybean association, or the American soybean institute for  
6 market development activities. However if a future referendum  
7 passes, the board shall be reorganized by the secretary and members  
8 shall serve out their terms as though there had been no lapse of time  
9 between effective orders.

1 SEC. 25. An assessment adopted upon the initiation of a promo-  
2 tional order shall be of no force or effect upon termination of the  
3 promotional order. At least sixty days but not more than one hun-  
4 dred eighty days prior to the termination date of a promotional or-  
5 der, the secretary shall cause notice to be published in accordance  
6 with section sixteen (16) of this Act, and a referendum on the ques-  
7 tion of whether a promotional order shall be extended for an addi-  
8 tional four-year period shall be conducted. If the secretary finds  
9 that a majority of the total number of producers voting favor the  
10 promotional order, then the order shall continue to be in effect for an  
11 additional four-year period. If a referendum should fail, another  
12 referendum shall not be held within one hundred eighty days. A  
13 succeeding referendum shall be called by the secretary upon petition  
14 of at least one hundred producers requesting a referendum.

1 SEC. 26. Assessments collected by the secretary from a sale of  
2 soybeans shall be deposited in the office of the treasurer of state to-  
3 gether with any gifts, or any federal or state grant as may be re-  
4 ceived by the board, and placed in a special fund to be known as the  
5 soybean promotion fund. Moneys collected shall be subject to audit  
6 by the auditor of state. From moneys collected, the board shall first  
7 pay the costs of referendums, elections and other expenses incurred in  
8 the administration of this Act, and thereafter moneys may be ex-  
9 pended for the purpose of market development. The fund shall be  
10 subject at all times to warrants by the state comptroller, drawn upon  
11 the written requisition of the chairman of the board and attested to  
12 by the secretary of the board.

1 SEC. 27. A producer who has sold soybeans and had an assessment  
2 deducted from the sale price may, by application in writing to the  
3 secretary, secure a refund in the amount deducted. The refund shall  
4 be payable only when the application shall have been made to the  
5 secretary within sixty days after the deduction. Application forms  
6 shall be given by the board to each first purchaser when requested  
7 and the first purchaser shall make the applications available to any  
8 producer. Each application for refund by a producer shall have at-  
9 tached thereto proof of assessment deducted. The proof of assess-  
10 ment may be in the form of a duplicate or certified copy of the pur-

11 chase invoice by the first purchaser. The secretary shall have thirty  
12 days from the date the application for refund is received to remit  
13 the refund to the producer.

1 SEC. 28. All moneys deposited in the soybean promotion fund are  
2 appropriated for the administration of this Act and for the payment  
3 of claims based upon obligations incurred in the performance of  
4 activities and functions set forth in this Act.

1 SEC. 29. After the costs of elections, referendum, necessary board  
2 expenses and administrative costs have been paid, at least seventy-  
3 five percent of the remaining funds in the soybean promotion fund  
4 shall be remitted to such organizations as the Iowa soybean associa-  
5 tion, American soybean association and the American soybean insti-  
6 tute for market development activities to include developing and ex-  
7 panding new markets for soybeans and soybean products worldwide.  
8 The funds can only be used for research, promotion, and education in  
9 co-operation with agencies who are equipped to do this kind of work.

1 SEC. 30. Every person occupying a position of trust under any  
2 provisions of this Act shall give bond in such amount as may be  
3 required by the board, the premium for which shall be paid out of the  
4 soybean promotion fund.

1 SEC. 31. It is a misdemeanor for any person to willfully violate  
2 any provision of this Act or for any person to willfully render or  
3 furnish a false or fraudulent report, statement, or record required  
4 by the secretary.

1 SEC. 32. Every first purchaser shall upon request furnish the  
2 secretary with such information as is necessary to enable the secre-  
3 tary to carry out the provisions of this Act. Such information shall  
4 be provided as prescribed by the secretary. The secretary may exam-  
5 ine any records relating to the purchase, sale, storage, processing,  
6 handling, or assessment of soybeans by any first purchaser. The sec-  
7 retary may hold hearings, take testimony, administer oaths, subpoena  
8 witnesses, and issue subpoenas as may be necessary to carry out the  
9 provisions of this Act.

1 SEC. 33. The secretary shall make an annual report on or before  
2 November first of each year, showing all income and expenses and  
3 other relevant information concerning assessments collected and exp-  
4 ended under the provisions of this Act.

1 SEC. 34. The Iowa soybean promotion board shall not be a state  
2 agency.

Approved June 7, 1971.



## CHAPTER 144

## LIVESTOCK BRANDS

H. F. 470

AN ACT relating to sale or transfer of livestock brands.

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

1 SECTION 1. Section one hundred eighty-seven point six (187.6),  
2 Code 1971, is amended as follows:

3 **Certified copies furnished.** As soon as the brand is recorded by the  
4 secretary, he shall furnish the owner thereof with one certified copy  
5 of the record of such brand. [Additional certified copies may be  
6 obtained by the payment of five dollars for each copy. Upon receipt  
7 by the owner of the certified copies of the record of such brand from  
8 the secretary, the owner shall within ten days file one of the certified  
9 copies in the office of the county recorder of the county where the  
10 owner's principal place of business is located and one copy in each  
11 county where such branded animals are to be kept.]

1 SEC. 2. Section one hundred eighty-seven point nine (187.9),  
2 Code 1971, is amended as follows:

3 **187.9 Certified copy to new owner.** As soon as instruments of  
4 writing evidencing the sale, assignment, or transfer of a brand have  
5 been recorded by the secretary, he shall furnish such new owner *one*  
6 certified [copies] *copy* of such sale, assignment, or transfer. [Upon  
7 receipt of the certified copies from the secretary, such person shall  
8 within ten days file one of such certified copies in the office of the  
9 county recorder of the county or counties where the certified copy  
10 or copies of the prior record of such brand was filed under section  
11 187.6 or this section, one certified copy in the office of the county  
12 recorder of the county in which such new owner's principal place of  
13 business is located, and one copy in each county where such branded  
14 animals are to be kept.]

1 SEC. 3. Section one hundred eighty-seven point thirteen (187.13),  
2 Code 1971, is amended as follows:

3 **187.13 Fee each fifth year.** Each owner of a brand of record begin-  
4 ning on January 1, 1970 shall pay to the secretary a fee of five dollars  
5 and a fee of five dollars on January 1 of each fifth year thereafter. It  
6 shall be the duty of the secretary to notify every owner of a brand of  
7 record at least thirty days prior to the date of the renewal period.  
8 The secretary shall give a receipt for all such payments made and if  
9 any owner of a brand of record shall fail, refuse, or neglect to pay  
10 such fee by July 1 of each year in which it is due, such brand shall  
11 become forfeited and no longer carried in the record. Any such for-  
12 feited brand shall not be issued to any other person within a period of  
13 less than [ten] *five* years following date of forfeiture.

Approved May 5, 1971.

## CHAPTER 145†

## CHEESE AND CHEESE PRODUCTS

H. F. 114

AN ACT relating to specifications and standards for cheese and cheese products.

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

- 1 SECTION 1. Section one hundred ninety point one (190.1), subsec-  
 2 tion four (4), Code 1971, is amended as follows:  
 3 4. Cheeses and cheese products. The specifications and standards for  
 4 cheeses and cheese products shall be as provided by the definitions and  
 5 standards contained in federal food and drug standards under the  
 6 federal Food, Drug, and Cosmetic Act, Part 19 of Title 21, as amended  
 7 to December 31, 1970.

Approved February 19, 1971.

†See Editor's note, page iii.

## CHAPTER 146

## FOREIGN MEAT LABELS

H. F. 382

AN ACT relating to labeling of foreign meats.

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

- 1 SECTION 1. Section one hundred ninety-one point nine (191.9),  
 2 Code 1971, is repealed.

Approved May 7, 1971.

## CHAPTER 147

## COMMERCIAL FEED INSPECTION FEE

H. F. 381

AN ACT relating to commercial feed inspection fee.

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

- 1 SECTION 1. Section one hundred ninety-eight point seven (198.7),  
 2 subsection one (1), unnumbered paragraph one (1), Code 1971, is  
 3 amended as follows:  
 4 There shall be paid by the first distributor of a commercial feed in  
 5 this state to the secretary for all commercial feeds distributed in this  
 6 state an inspection fee [of] *to be fixed annually by the secretary at*  
 7 *not more than ten cents per ton; provided, however, that the following*  
 8 are hereby exempted:

Approved April 15, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 148†

## UNIFORM CONTROLLED SUBSTANCES\*

## S. F. 1

AN ACT relating to the regulation and control of certain drugs and other substances affecting the public health, herein designated as controlled substances, and providing procedures for enforcement and penalties.

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

## DIVISION I

1 SECTION 101. **Definitions.** As used in this Act:

2 1. "Administer" means the direct application of a controlled sub-  
3 stance, whether by injection, inhalation, ingestion, or any other  
4 means, to the body of a patient or research subject by:

5 a. A practitioner, or in his presence, by his authorized agent; or

6 b. The patient or research subject at the direction and in the  
7 presence of the practitioner.

8 Nothing contained in this Act shall be construed to prevent a  
9 physician, dentist, or veterinarian from delegating the administra-  
10 tion of controlled substances under this Act to a nurse or intern,  
11 or, as to veterinarians, to an orderly or assistant, under his direc-  
12 tion and supervision; all pursuant to rules and regulations adopted  
13 by the board.

14 2. "Agent" means an authorized person who acts on behalf of or  
15 at the direction of a manufacturer, distributor, or dispenser. It does  
16 not include a common or contract carrier, public warehouseman, or  
17 employee of the carrier or warehouseman.

18 3. "Bureau" means the bureau of narcotics and dangerous drugs,  
19 United States department of justice, or its successor agency.

20 4. "Board" means the state board of pharmacy examiners.

21 5. "Department" means the department of public safety of the  
22 state of Iowa.

23 6. "Controlled substance" means a drug, substance, or immediate  
24 precursor in schedules I through V of division II of this Act.

25 7. "Counterfeit substance" means a controlled substance which,  
26 or the container or labeling of which, without authorization, bears  
27 the trademark, trade name, or other identifying mark, imprint,  
28 number or device, or any likeness thereof, of a manufacturer, dis-  
29 tributor, or dispenser other than the person who in fact manufac-  
30 tured, distributed, or dispensed the substance.

31 8. "Deliver" or "delivery" means the actual, constructive, or  
32 attempted transfer from one person to another of a controlled sub-  
33 stance, whether or not there is an agency relationship.

34 9. "Dispense" means to deliver a controlled substance to an ulti-  
35 mate user or research subject by or pursuant to the lawful order of  
36 a practitioner, including the prescribing, administering, packaging,  
37 labeling, or compounding necessary to prepare the substance for that  
38 delivery.

39 10. "Dispenser" means a practitioner who dispenses.

40 11. "Distribute" means to deliver other than by administering or  
41 dispensing a controlled substance.

42 12. "Distributor" means a person who distributes.

\*Amended by ch. 149.

†See Editor's note, page iii.

43 13. "Drug" means:

44 a. Substances recognized as drugs in the official United States  
45 Pharmacopoeia, official Homeopathic Pharmacopoeia of the United  
46 States, or official National Formulary, or any supplement to any of  
47 them;

48 b. Substances intended for use in the diagnosis, cure, mitigation,  
49 treatment, or prevention of disease in man or animals;

50 c. Substances, other than food, intended to affect the structure or  
51 any function of the body of man or animals; and

52 d. Substances intended for use as a component of any article  
53 specified in paragraphs a, b, or c of this subsection. It does not  
54 include devices or their components, parts, or accessories.

55 14. "Immediate precursor" means a substance which the board  
56 has found to be and by rule designates as being the principal com-  
57 pound commonly used or produced primarily for use, and which is  
58 an immediate chemical intermediary used or likely to be used in the  
59 manufacture of a controlled substance, the control of which is neces-  
60 sary to prevent, curtail, or limit manufacture.

61 15. "Manufacture" means the production, preparation, propaga-  
62 tion, compounding, conversion or processing of a controlled sub-  
63 stance, either directly or by extraction from substances of natural  
64 origin, or independently by means of chemical synthesis, or by a  
65 combination of extraction and chemical synthesis, and includes any  
66 packaging or repackaging of the substance or labeling or relabeling  
67 of its container, except that this term does not include the prepara-  
68 tion or compounding of a controlled substance by an individual for  
69 his own use, or the preparation, compounding, packaging, or labeling  
70 of a controlled substance:

71 a. By a practitioner as an incident to his administering or dis-  
72 pensing of a controlled substance in the course of his professional  
73 practice, or

74 b. By a practitioner, or by his authorized agent under his super-  
75 vision, for the purpose of, or as an incident to, research, teaching,  
76 or chemical analysis and not for sale.

77 16. "Marijuana" means all parts of the plant *Cannabis sativa* L.,  
78 whether growing or not, its seeds, the resin extracted from any part  
79 of the plant, and every compound, manufacture, salt, derivative,  
80 mixture, or preparation of the plant, its seeds or resin. It does not  
81 include the mature stalks of the plant, fiber produced from the stalks,  
82 oil or cake made from the seeds of the plant, any other compound,  
83 manufacture, salt, derivative, mixture, or preparation of the mature  
84 stalks, except the resin extracted therefrom, fiber, oil, or cake, or  
85 the sterilized seed of the plant which is incapable of germination.

86 17. "Narcotic drug" means any of the following, whether produced  
87 directly or indirectly by extraction from substances of vegetable  
88 origin, or independently by means of chemical synthesis, or by a  
89 combination of extraction and chemical synthesis:

90 a. Opium and opiate, and any salt, compound, derivative, or  
91 preparation of opium or opiate.

92 b. Any salt, compound, isomer, derivative, or preparation thereof  
93 which is chemically equivalent or identical with any of the sub-  
94 stances referred to in paragraph a, but not including the isoquinoline  
95 alkaloids of opium.

- 96 c. Opium poppy and poppy straw.  
 97 d. Coca leaves and any salt, compound, derivative, or preparation  
 98 of coca leaves, and any salt, compound, isomer, derivative, or prepara-  
 99 tion thereof which is chemically equivalent or identical with any of  
 100 these substances, but not including decocainized coca leaves or  
 101 extractions of coca leaves which do not contain cocaine or ecgonine.  
 102 18. "Opiate" means any substance having an addiction-forming  
 103 or addiction-sustaining liability similar to morphine or being capable  
 104 of conversion into a drug having addiction-forming or addiction-  
 105 sustaining liability. It does not include, unless specifically designated  
 106 as controlled under section two hundred one (201) of this Act, the  
 107 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
 108 (dextromethorphan). It does include its racemic and levorotatory  
 109 forms.  
 110 19. "Opium poppy" means the plant of the species *Papaver som-*  
 111 *niferum* L., except its seeds.  
 112 20. "Person" means individual, corporation, government or gov-  
 113 ernmental subdivision or agency, business trust, estate, trust, part-  
 114 nership or association, or any other legal entity.  
 115 21. "Poppy straw" means all parts, except the seeds, of the opium  
 116 poppy, after mowing.  
 117 22. "Practitioner" means either:  
 118 a. A physician, dentist, veterinarian, scientific investigator, or  
 119 other person licensed, registered or otherwise permitted to distribute,  
 120 dispense, conduct research with respect to or to administer a con-  
 121 trolled substance in the course of professional practice or research  
 122 in this state.  
 123 b. A pharmacy, hospital or other institution licensed, registered,  
 124 or otherwise permitted to distribute, dispense, conduct research with  
 125 respect to or to administer a controlled substance in the course of  
 126 professional practice or research in this state.  
 127 23. "Production" includes the manufacture, planting, cultiva-  
 128 tion, growing, or harvesting of a controlled substance.  
 129 24. "State," when applied to a part of the United States, includes  
 130 any state, district, commonwealth, territory, insular possession, and  
 131 any area subject to the legal authority of the United States of  
 132 America.  
 133 25. "Ultimate user" means a person who lawfully possesses a  
 134 controlled substance for his own use or for the use of a member of  
 135 his household or for administering to an animal owned by him or  
 136 by a member of his household.

## DIVISION II

## STANDARDS AND SCHEDULES

- 1 **SEC. 201. Duty to recommend changes in schedules.**  
 2 1. The board shall administer the regulatory provisions of this  
 3 Act. Annually, within thirty days after the convening of each regu-  
 4 lar session of the general assembly, the board shall recommend to  
 5 the general assembly any deletions from, or revisions in the schedules  
 6 of substances, enumerated in sections two hundred four (204), two  
 7 hundred six (206), two hundred eight (208), two hundred ten (210),

8 or two hundred twelve (212) of this Act, which it deems necessary  
 9 or advisable. In making a recommendation to the general assembly  
 10 regarding a substance, the board shall consider the following:

- 11 a. The actual or relative potential for abuse;
- 12 b. The scientific evidence of its pharmacological effect, if known;
- 13 c. State of current scientific knowledge regarding the substance;
- 14 d. The history and current pattern of abuse;
- 15 e. The scope, duration, and significance of abuse;
- 16 f. The risk to the public health;
- 17 g. The potential of the substance to produce psychic or physio-  
 18 logical dependence liability; and
- 19 h. Whether the substance is an immediate precursor of a sub-  
 20 stance already controlled under this division.

21 2. After considering the above factors, the board shall make a  
 22 recommendation to the general assembly, specifying the change  
 23 which should be made in existing schedules, if it finds that the  
 24 potential for abuse or lack thereof of the substance is not properly  
 25 reflected by the existing schedules.

26 3. If the board designates a substance as an immediate precursor,  
 27 substances which are precursors of the controlled precursor shall not  
 28 be subject to control solely because they are precursors of the con-  
 29 trolled precursor. Such designations shall be made pursuant to the  
 30 procedures of chapter seventeen A (17A) of the Code.

31 4. If any new substance is designated as a controlled substance  
 32 under federal law and notice of the designation is given to the board,  
 33 the board shall similarly designate as controlled the new substance  
 34 under this Act after the expiration of thirty days from publication  
 35 in the Federal Register of a final order designating a new substance  
 36 as a controlled substance, unless within that thirty-day period the  
 37 board objects to the new designation. In that case the board shall  
 38 publish the reasons for objection and afford all interested parties an  
 39 opportunity to be heard. At the conclusion of the hearing the board  
 40 shall announce its decision which shall be final unless altered by  
 41 statute. Upon publication of objection to a new substance being  
 42 designated as a controlled substance under this Act by the board,  
 43 control under this Act is stayed until the board publishes its deci-  
 44 sion. If a substance is designated as controlled by the board under  
 45 this paragraph the control shall be temporary and, if within sixty  
 46 days after the next regular session of the general assembly convenes  
 47 it has not made the corresponding changes in this Act, the temporary  
 48 designation of control of the substance by the board shall be nullified.

1 **SEC. 202. Controlled substances—listed regardless of name.** The  
 2 controlled substances listed in the schedules in sections two hundred  
 3 four (204), two hundred six (206), two hundred eight (208), two  
 4 hundred ten (210) and two hundred twelve (212) of this Act are  
 5 included by whatever official name, common or usual name, chemical  
 6 name, or trade name is designated.

1 **SEC. 203. Substances listed in schedule I—criteria.** The board  
 2 shall recommend to the general assembly that it place in schedule I  
 3 any substance not already included therein if the board finds that the  
 4 substance:

- 5 1. Has high potential for abuse; and

- 6 2. Has no accepted medical use in treatment in the United States;  
 7 or lacks accepted safety for use in treatment under medical super-  
 8 vision.  
 9 If the board finds that any substance included in schedule I does  
 10 not meet these criteria, it shall recommend that the general assem-  
 11 bly place the substance in a different schedule or remove it from the  
 12 list of controlled substances, as appropriate.

1 **SEC. 204. Schedule I—substances included.**

- 2 1. The controlled substances listed in this section are included in  
 3 schedule I.  
 4 2. Any of the following opiates, including their isomers, esters,  
 5 ethers, salts, and salts of isomers, esters, and ethers, unless specifi-  
 6 cally excepted, whenever the existence of these isomers, esters, ethers  
 7 and salts is possible within the specific chemical designation:  
 8 a. Acetylmethadol.  
 9 b. Allylprodine.  
 10 c. Alphacetylmethadol.  
 11 d. Alphameprodine.  
 12 e. Alphamethadol.  
 13 f. Benzethidine.  
 14 g. Betacetylmethadol.  
 15 h. Betameprodine.  
 16 i. Betamethadol.  
 17 j. Betaprodine.  
 18 k. Clonitazene.  
 19 l. Dextromoramide.  
 20 m. Dextrorphan.  
 21 n. Diampromide.  
 22 o. Diethylthiambutene.  
 23 p. Dimenoxadol.  
 24 q. Dimepheptanol.  
 25 r. Dimethylthiambutene.  
 26 s. Dioxaphetyl butyrate.  
 27 t. Dipipanone.  
 28 u. Ethylmethylthiambutene.  
 29 v. Etonitazene.  
 30 w. Etoxidine.  
 31 x. Furethidine.  
 32 y. Hydroxypethidine.  
 33 z. Ketobemidone.  
 34 aa. Levomoramide.  
 35 bb. Levophenacymorphan.  
 36 cc. Morpheridine.  
 37 dd. Noracymethadol.  
 38 ee. Norlevorphanol.  
 39 ff. Normethadone.  
 40 gg. Norpipanone.  
 41 hh. Phenadoxone.  
 42 ii. Phenampromide.  
 43 jj. Phenomorphan.  
 44 kk. Phenoperidine.  
 45 ll. Piritramide.

- 46 mm. Proheptazine.  
 47 nn. Properidine.  
 48 oo. Racemoramide.  
 49 pp. Trimeperidine.  
 50 **3. Any of the following opium derivatives, their salts, isomers and**  
 51 **salts of isomers, unless specifically excepted, whenever the existence**  
 52 **of these salts, isomers and salts of isomers is possible within the**  
 53 **specific chemical designation:**  
 54 a. Acetorphine.  
 55 b. Acetyldihydrocodeine.  
 56 c. Benzylmorphine.  
 57 d. Codeine methylbromide.  
 58 e. Codeine-N-Oxide.  
 59 f. Cyprenorphine.  
 60 g. Desomorphine.  
 61 h. Dihydromorphine.  
 62 i. Etorphine.  
 63 j. Heroin.  
 64 k. Hydromorphinol.  
 65 l. Methyldesorphine.  
 66 m. Methyldihydromorphine.  
 67 n. Morphine methylbromide.  
 68 o. Morphine methylsulfonate.  
 69 p. Morphine-N-Oxide.  
 70 q. Myrophine.  
 71 r. Nicocodeine.  
 72 s. Nicomorphine.  
 73 t. Normorphine.  
 74 u. Pholcodine.\*  
 75 v. Thebacon.  
 76 **4. Any material, compound, mixture or preparation which con-**  
 77 **tains any quantity of the following hallucinogenic substances, their**  
 78 **salts, isomers and salts of isomers, unless specifically excepted,**  
 79 **whenever the existence of these salts, isomers, and salts of isomers**  
 80 **is possible within the specific chemical designation:**  
 81 a. 3,4-methylenedioxy amphetamine.  
 82 b. 5-methoxy-3,4-methylenedioxy amphetamine.  
 83 c. 3,4,5-trimethoxy amphetamine.  
 84 d. Bufotenine.  
 85 e. Diethyltryptamine.  
 86 f. Dimethyltryptamine.  
 87 g. 4-methyl-2, 5-dimethoxylamphetamine.\*  
 88 h. Ibogaine.  
 89 i. Lysergic acid diethylamide.  
 90 j. Marijuana.  
 91 k. Mescaline.  
 92 l. Peyote, except as otherwise provided in subsection five (5) of  
 93 this section.  
 94 m. N-ethyl-3-piperidyl benzilate.  
 95 n. N-methyl-3-piperidyl benzilate.  
 96 o. Psilocybin.  
 97 p. Psilocyn.  
 98 q. Tetrahydrocannabinols.

\*According to enrolled Act.



99 5. Nothing in this Act shall apply to peyote when used in bona  
 100 fide religious ceremonies of the Native American Church; however,  
 101 persons supplying the product to the church shall register, maintain  
 102 appropriate records of receipts and disbursements of peyote, and  
 103 otherwise comply with all applicable requirements of this Act and  
 104 regulations adopted pursuant thereto.

1 SEC. 205. **Substances listed in schedule II—criteria.** The board  
 2 shall recommend to the general assembly that it place in schedule II  
 3 any substance not already included therein if the board finds that:

- 4 1. The substance has high potential for abuse;
- 5 2. The substance has currently accepted medical use in treatment  
 6 in the United States, or currently accepted medical use with severe  
 7 restrictions; and
- 8 3. Abuse of the substance may lead to severe psychic or physical  
 9 dependence.

10 If the board finds that any substance included in schedule II does  
 11 not meet these criteria, it shall recommend that the general assembly  
 12 place the substance in a different schedule or remove it from the list  
 13 of controlled substances, as appropriate.

1 SEC. 206. **Schedule II—substances included.**

- 2 1. The controlled substances listed in this section are included in  
 3 schedule II.
- 4 2. Narcotic drugs as defined in this Act, except those narcotic drugs  
 5 listed in other schedules.
- 6 3. Any of the following opiates, including their isomers, esters,  
 7 ethers, salts, and salts of isomers, whenever the existence of these  
 8 isomers, esters, ethers and salts is possible within the specific chemical  
 9 designation:
  - 10 a. Alphaprodine.
  - 11 b. Anileridine.
  - 12 c. Bezitramide.
  - 13 d. Dihydrocodeine.
  - 14 e. Diphenoxylate.
  - 15 f. Fentanyl.
  - 16 g. Isomethadone.
  - 17 h. Levomethorphan.
  - 18 i. Levorphanol.
  - 19 j. Metazocine.
  - 20 k. Methadone.
  - 21 l. Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphe-  
 22 nyl butane.\*
  - 23 m. Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-  
 24 propane-carboxylic acid.
  - 25 n. Pethidine.
  - 26 o. Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperi-  
 27 dine.
  - 28 p. Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carbox-  
 29 ylate.
  - 30 q. Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-car-  
 31 boxlic acid.
  - 32 r. Phenazocine.
  - 33 s. Piminodine.

\*According to enrolled Act.

34 t. Racemethorphan.

35 u. Racemorphan.

36 4. Unless specifically excepted or unless listed in another schedule,  
37 any injectable liquid which contains any quantity of methampheta-  
38 mine, including its salts, isomers, and salts of isomers.

1 SEC. 207. **Substances listed in schedule III—criteria.** The board  
2 shall recommend to the general assembly that it place in schedule III  
3 any substance not already included therein if the board finds that:

4 1. The substance has a potential for abuse less than the substances  
5 listed in schedules I and II;

6 2. The substance has currently accepted medical use in treatment  
7 in the United States; and

8 3. Abuse of the substance may lead to moderate or low physical  
9 dependence or high psychological dependence.

10 If the board finds that any substance included in schedule III does  
11 not meet these criteria, it shall recommend that the general assembly  
12 place the substance in a different schedule or remove it from the list  
13 of controlled substances, as appropriate.

1 SEC. 208. **Schedule III—substances included.**

2 1. The controlled substances listed in this section are included in  
3 schedule III.

4 2. Any material, compound, mixture, or preparation which con-  
5 tains any quantity of the following substances having a potential for  
6 abuse associated with a stimulant effect on the central nervous  
7 system:

8 a. Amphetamine, its salts, optical isomers, and salts of its optical  
9 isomers.

10 b. Phenmetrazine and its salts.

11 c. Any substance (except an injectable liquid) which contains any  
12 quantity of methamphetamine, including its salts, isomers, and salts  
13 of isomers.

14 d. Methylphenidate.

15 3. Unless listed in another schedule, any material, compound,  
16 mixture, or preparation which contains any quantity of the follow-  
17 ing substances having a potential for abuse associated with a depres-  
18 sant effect on the central nervous system:

19 a. Any substance which contains any quantity of a derivative of  
20 barbituric acid, or any salt of a derivative of barbituric acid, except  
21 those substances which are specifically listed in other schedules.

22 b. Chlorhexadol.\*

23 c. Glutethimide.

24 d. Lysergic acid.

25 e. Lysergic acid amide.

26 f. Methyprylon.

27 g. Phencyclidine.

28 h. Sulfondiethylmethane.

29 i. Sulfonethylmethane.

30 j. Sulfonmethane.

31 4. Nalorphine.

32 5. Any material, compound, mixture, or preparation containing  
33 limited quantities of any of the following narcotic drugs, or any salts  
34 thereof:

\*According to enrolled Act.

35 a. Not more than one point eighty grams of codeine, or any of its  
36 salts, per one hundred milliliters or not more than ninety milligrams  
37 per dosage unit, with an equal or greater quantity of an isoquinoline  
38 alkaloid of opium.

39 b. Not more than one point eighty grams of codeine, or any of its  
40 salts, per one hundred milliliters or not more than ninety milligrams  
41 per dosage unit, with one or more active, nonnarcotic ingredients in  
42 recognized therapeutic amounts.

43 c. Not more than three hundred milligrams of dihydrocodeinone,  
44 or any of its salts, per one hundred milliliters or not more than  
45 fifteen milligrams per dosage unit, with a fourfold or greater quan-  
46 tity of an isoquinoline alkaloid of opium.

47 d. Not more than three hundred milligrams of dihydrocodeinone,  
48 or any of its salts, per one hundred milliliters or not more than  
49 fifteen milligrams per dosage unit, with one or more active, non-  
50 narcotic ingredients in recognized therapeutic amounts.

51 e. Not more than one point eighty grams of dihydrocodeine, or any  
52 of its salts, per one hundred milliliters or not more than ninety milli-  
53 grams per dosage unit, with one or more active, nonnarcotic ingredi-  
54 ents in recognized therapeutic amounts.

55 f. Not more than three hundred milligrams of ethylmorphine, or  
56 any of its salts, per one hundred milliliters or not more than fifteen  
57 milligrams per dosage unit, with one or more ingredients in recog-  
58 nized therapeutic amounts.

59 g. Not more than five hundred milligrams of opium per one hun-  
60 dred milliliters or per one hundred grams, or not more than twenty-  
61 five milligrams per dosage unit, with one or more active, nonnarcotic  
62 ingredients in recognized therapeutic amounts.

63 h. Not more than fifty milligrams of morphine, or any of its salts,  
64 per one hundred milliliters or per one hundred grams with one  
65 or more active, nonnarcotic ingredients in recognized therapeutic  
66 amounts.

67 6. The board by rule may except any compound, mixture, or  
68 preparation containing any stimulant or depressant substance listed  
69 in subsections two (2) and three (3) of this section from the appli-  
70 cation of all or any part of this Act if the compound, mixture, or  
71 preparation contains one or more active medicinal ingredients not  
72 having a stimulant or depressant effect on the central nervous sys-  
73 tem, and if the admixtures are included therein in such combinations,  
74 quantity, proportion, or concentration as to vitiate the potential for  
75 abuse of the substances which have a stimulant or depressant effect  
76 on the central nervous system.

1 SEC. 209. Substances listed in schedule IV—criteria. The board  
2 shall recommend to the general assembly that it place in schedule IV  
3 any substance not already included therein if the board finds that:

4 1. The substance has a low potential for abuse relative to the sub-  
5 stances listed in schedule III;

6 2. The substance has currently accepted medical use in treatment  
7 in the United States; and

8 3. Abuse of the substance may lead to limited physical dependence  
9 or psychological dependence relative to the substances listed in  
10 schedule III.

11 If the board finds that any substance included in schedule IV does  
12 not meet these criteria, it shall recommend that the general assembly  
13 place the substance in a different schedule or remove it from the list  
14 of controlled substances, as appropriate.

1 **SEC. 210. Schedule IV—substances included.**

2 1. The controlled substances listed in this section are included in  
3 schedule IV.

4 2. Any compound, mixture, or preparation which contains any  
5 quantity of the following substances having a potential for abuse  
6 associated with a depressant effect on the central nervous system:

- 7 a. Barbital.
- 8 b. Chloral betaine.
- 9 c. Chloral hydrate.
- 10 d. Ethchlorvynol.
- 11 e. Ethinamate.
- 12 f. Methohexital.
- 13 g. Meproamate.
- 14 h. Methylphenobarbital.
- 15 i. Paraldehyde.
- 16 j. Petrichloral.
- 17 k. Phenobarbital.

18 3. Any compound, mixture, or preparation containing limited  
19 quantities of any of the following narcotic drugs, which shall include  
20 one or more nonnarcotic active medicinal ingredients in sufficient  
21 proportion to confer upon the compound, mixture, or preparation,  
22 valuable medicinal qualities other than those possessed by the nar-  
23 cotic drug alone:

- 24 a. Not more than one hundred milligrams of dihydrocodeine, or  
25 any of its salts, per one hundred milliliters or per one hundred  
26 grams;
- 27 b. Not more than one hundred milligrams of ethylmorphine, or any  
28 of its salts, per one hundred milliliters or per one hundred grams;
- 29 c. Not more than two point five milligrams of diphenoxylate and  
30 not less than twenty-five micrograms of atropine sulfate per dosage  
31 unit;
- 32 d. Not more than one hundred milligrams of opium per one hun-  
33 dred milliliters or per one hundred grams.

34 4. The board by rule may except any compound, mixture, or  
35 preparation containing any depressant substance listed in subsection  
36 two (2) from the application of all or any part of this Act if the  
37 compound, mixture, or preparation contains one or more active  
38 medicinal ingredients not having a depressant effect on the central  
39 nervous system and if the admixtures are included therein in com-  
40 binations, quantity, proportion, or concentration that vitiate the  
41 potential for abuse of the substances which have a depressant effect  
42 on the central nervous system.

1 **SEC. 211. Schedule V—criteria.** The board shall recommend to  
2 the general assembly that it place in schedule V any substance not  
3 already included therein if the board finds that:

- 4 1. The substance has a low potential for abuse relative to the  
5 substances listed in schedule IV;
- 6 2. The substance has currently accepted medical use in treatment

7 in the United States; and  
 8 3. The substance has limited physical dependence or psychological  
 9 dependence liability relative to the controlled substances listed in  
 10 schedule IV.  
 11 If the board finds that any substance included in schedule V does  
 12 not meet these criteria, it shall recommend that the general assembly  
 13 place the substance in a different schedule or remove it from the list  
 14 of controlled substances, as appropriate.

1 **SEC. 212. Schedule V—substances included.**

2 1. The controlled substances listed in this section are included in  
 3 schedule V.  
 4 2. Any compound, mixture, or preparation containing limited  
 5 quantities of any of the following narcotic drugs, which shall include  
 6 one or more nonnarcotic active medicinal ingredients in sufficient  
 7 proportion to confer upon the compound, mixture, or preparation,  
 8 valuable medicinal qualities other than those possessed by the nar-  
 9 cotic drug alone:  
 10 a. Not more than two hundred milligrams of codeine, or any of its  
 11 salts, per one hundred milliliters or per one hundred grams.

DIVISION III

REGULATION OF MANUFACTURE, DISTRIBUTION  
 AND DISPENSING OF CONTROLLED SUBSTANCES

1 **SEC. 301. Rules and regulations.** The board may, subject to  
 2 chapter seventeen A (17A) of the Code, promulgate rules and charge  
 3 reasonable fees relating to the registration and control of the manu-  
 4 facture, distribution, and dispensing of controlled substances within  
 5 this state.

1 **SEC. 302. Registration requirements.**

2 1. Every person who manufactures, distributes, or dispenses any  
 3 controlled substance within this state or who proposes to engage in  
 4 the manufacture, distribution, or dispensing of any controlled sub-  
 5 stance within this state, shall obtain annually a registration issued  
 6 by the board in accordance with its rules.  
 7 2. Persons registered by the board under this Act to manufacture,  
 8 distribute, dispense, or conduct research with controlled substances  
 9 may possess, manufacture, distribute, dispense, or conduct research  
 10 with those substances to the extent authorized by their registration  
 11 and in conformity with the other provisions of this division.  
 12 3. The following persons need not register and may lawfully pos-  
 13 sess controlled substances under this Act:  
 14 a. An agent or employee of any registered manufacturer, dis-  
 15 tributor, or dispenser of any controlled substance if he is acting in  
 16 the usual course of his business or employment.  
 17 b. A common or contract carrier or warehouseman, or an employee  
 18 thereof, whose possession of any controlled substance is in the usual  
 19 course of business or employment.  
 20 c. An ultimate user or a person in possession of any controlled  
 21 substance pursuant to a lawful order of a practitioner or in posses-  
 22 sion of a schedule V substance.  
 23 4. A separate registration is required for each principal place of

24 business or professional practice where the applicant manufactures,  
25 distributes, or dispenses controlled substances.

26 5. The board may inspect the establishment of a registrant or  
27 applicant for registration in accordance with the board's rules.

1 **SEC. 303. Registration.**

2 1. The board shall register an applicant to manufacture or dis-  
3 tribute controlled substances included in sections two hundred four  
4 (204), two hundred six (206), two hundred eight (208), two hun-  
5 dred ten (210), and two hundred twelve (212) of this Act unless it  
6 determines that the issuance of that registration would be incon-  
7 sistent with the public interest. In determining the public interest,  
8 the board shall consider all of the following factors:

9 a. Maintenance of effective controls against diversion of controlled  
10 substances into other than legitimate medical, scientific, or industrial  
11 channels.

12 b. Compliance with applicable state and local law.

13 c. Any convictions of the applicant under any federal and state  
14 laws relating to any controlled substance.

15 d. Past experience in the manufacture or distribution of controlled  
16 substances, and the existence in the applicant's establishment of  
17 effective controls against diversion.

18 e. Furnishing by the applicant of false or fraudulent material in  
19 any application filed under this Act.

20 f. Suspension or revocation of the applicant's federal registration  
21 to manufacture, distribute, or dispense controlled substances as  
22 authorized by federal law.

23 g. Any other factors relevant to and consistent with the public  
24 health and safety.

25 2. Registration under subsection one (1) of this section does not  
26 entitle a registrant to manufacture and distribute controlled sub-  
27 stances in schedule I or II other than those specified in the regis-  
28 tration.

29 3. Practitioners shall be registered to dispense any controlled sub-  
30 stances or to conduct research with controlled substances in schedules  
31 II through V if they are authorized to dispense or conduct research  
32 under the law of this state. The board need not require separate  
33 registration under this division for practitioners engaging in re-  
34 search with nonnarcotic controlled substances in schedules II through  
35 V where the registrant is already registered under this division in  
36 another capacity. Practitioners registered under federal law to con-  
37 duct research with schedule I substances may conduct research in  
38 schedule I substances within this state upon furnishing the board  
39 evidence of the federal registration.

40 4. Compliance by manufacturers and distributors with the pro-  
41 visions of the federal law respecting registration, excluding fees,  
42 entitles them to be registered under this Act.

1 **SEC. 304. Revocation and suspension of registration.**

2 1. A registration under section three hundred three (303) of this  
3 Act to manufacture, distribute, or dispense a controlled substance  
4 may be suspended or revoked by the board upon a finding that the  
5 registrant:

6 a. Has furnished false or fraudulent material information in any

7 application filed under this Act;

8 b. Has had his federal registration suspended or revoked to manu-  
9 facture, distribute, or dispense controlled substances; or

10 c. Has been convicted of a public offense under any state or fed-  
11 eral law relating to any controlled substance. For the purpose of  
12 this section only, a conviction shall include a plea of guilty, a for-  
13 feiture of bail or collateral deposited to secure a defendant's appear-  
14 ance in court which forfeiture has not been vacated, or a finding of  
15 guilt in a criminal action even though the entry of the judgment or  
16 sentence has been withheld and the individual placed on probation.

17 2. The board may limit revocation or suspension of a registration  
18 to the particular controlled substance with respect to which grounds  
19 for revocation or suspension exist.

20 3. If the board suspends or revokes a registration, all controlled  
21 substances owned or possessed by the registrant at the time of sus-  
22 pension or the effective date of the revocation order may be placed  
23 under seal. No disposition may be made of substances under seal  
24 until the time for taking an appeal has elapsed or until all appeals  
25 have been concluded unless a court, upon application, orders the sale  
26 of perishable substances and the deposit of the proceeds of the sale  
27 with the court. Upon a revocation order becoming final, all such  
28 controlled substances may be forfeited to the state.

29 4. The board shall promptly notify the bureau and the department  
30 of all orders suspending or revoking registration and all forfeitures  
31 of controlled substances.

1 **SEC. 305. Order to show cause.**

2 1. Before denying, suspending or revoking a registration, or re-  
3 fusing a renewal of registration, the board shall serve upon the  
4 applicant or registrant an order to show cause why registration  
5 should not be denied, revoked, or suspended, or why the renewal  
6 should not be refused. The order to show cause shall contain a  
7 statement of the basis therefor and shall call upon the applicant or  
8 registrant to appear before the board at a time and place not less  
9 than thirty days after the date of service of the order, but in the  
10 case of a denial or renewal of registration the show cause order shall  
11 be served not later than thirty days before the expiration of the  
12 registration. These proceedings shall be conducted without regard  
13 to any criminal prosecution or other proceeding. Proceedings to  
14 refuse renewal of registration shall not abate the existing registra-  
15 tion which shall remain in effect pending the outcome of the admin-  
16 istrative hearing.

17 2. The board, without an order to show cause, may suspend any  
18 registration simultaneously with the institution of proceedings under  
19 section three hundred four (304) of this Act, or where renewal of  
20 registration is refused, if it finds that there is an imminent danger  
21 to the public health or safety which warrants this action. The sus-  
22 pension shall continue in effect until the conclusion of the proceed-  
23 ings, including judicial review thereof, unless sooner withdrawn by  
24 the board or dissolved by the district or supreme court.

1 **SEC. 306. Records of registrants.** Persons registered to manu-  
2 facture, distribute, dispense, or administer controlled substances  
3 under this Act shall keep records and maintain inventories in con-

4 formance with the record keeping and inventory requirements of  
 5 federal law and with such additional rules as may be issued by the  
 6 board. A practitioner who engages in dispensing any controlled  
 7 substance to his patients shall keep records of receipt and disburse-  
 8 ments of such drugs, including dispensing or other disposition, and  
 9 information as to controlled substances stolen, lost, or destroyed.  
 10 In every such case the records of controlled substance received shall  
 11 show the date of receipt, the name and address of the person from  
 12 whom received, and the kind and quantity of drugs received. The  
 13 record of all controlled substances dispensed or otherwise disposed  
 14 of, shall show the date of dispensing, the name and address of the  
 15 person to whom or for whose use, or the owner and species of animal  
 16 for which the drugs were dispensed and the kind and quantity of  
 17 drugs.

18 Every such record shall be kept for a period of two years from the  
 19 date of the transaction recorded. Records of controlled substances  
 20 lost, destroyed or stolen, shall contain a detailed list of the kind and  
 21 quantity of such drugs and the date of the discovery of such loss,  
 22 destruction, or theft.

1 **SEC. 307. Order forms.** Controlled substances in schedules I and  
 2 II shall be distributed by a registrant to another registrant only  
 3 pursuant to an order form. Compliance with the provisions of  
 4 federal law respecting order forms shall be deemed compliance with  
 5 this section.

1 **SEC. 308. Prescriptions.**

2 1. Except when dispensed directly by a practitioner, other than a  
 3 pharmacy, to an ultimate user, no controlled substance in schedule  
 4 II may be dispensed without the written prescription of a practi-  
 5 tioner.

6 2. In emergency situations, as defined by rule of the board,  
 7 schedule II drugs may be dispensed upon oral prescription of a  
 8 practitioner, reduced promptly to writing and filed by the pharmacy.  
 9 Prescriptions shall be retained in conformity with the requirements  
 10 of section three hundred six (306) of this Act. No prescription for  
 11 a schedule II substance may be refilled.

12 3. Except when dispensed directly by a practitioner, other than a  
 13 pharmacy, to an ultimate user, a controlled substance included in  
 14 schedule III or IV, which is a prescription drug as determined under  
 15 section one hundred fifty-five point three (155.3), subsections nine  
 16 (9) and ten (10) of the Code, shall not be dispensed without a writ-  
 17 ten or oral prescription of a practitioner. The prescription may not  
 18 be filled or refilled more than six months after the date thereof or  
 19 be refilled more than five times, unless renewed by the practitioner.

20 4. A controlled substance included in schedule V shall not be dis-  
 21 tributed or dispensed other than for a medical purpose.

#### DIVISION IV

##### OFFENSES AND PENALTIES

1 **SEC. 401. Prohibited acts—manufacturers—possessors—counter-**  
 2 **feit substances—penalties.**

3 1. Except as authorized by this Act, it is unlawful for any person  
 4 to manufacture, deliver, or possess with intent to manufacture or



5 deliver, a controlled substance, or to act with, enter into a common  
6 scheme or design with, or conspire with one or more other persons  
7 to manufacture, deliver, or possess with intent to manufacture or  
8 deliver, a controlled substance.

9 a. Any person who violates this subsection with respect to:

10 (1) A substance classified in schedule I or II which is a narcotic  
11 drug, is guilty of a public offense and upon conviction shall be pun-  
12 ished by imprisonment in the penitentiary for not to exceed ten  
13 years and by a fine of not more than two thousand dollars.

14 (2) Any other controlled substance classified in schedules I, II,  
15 or III, is guilty of a public offense and upon conviction shall be pun-  
16 ished by imprisonment in the penitentiary for not to exceed five  
17 years and by a fine of not more than one thousand dollars.

18 (3) A substance classified in schedule IV, is guilty of a public  
19 offense and upon conviction shall be punished by imprisonment in  
20 the county jail for not to exceed one year or by a fine of not more  
21 than five hundred dollars, or by both such imprisonment and fine.

22 (4) A substance classified in schedule V, is guilty of a public  
23 offense and upon conviction shall be punished by imprisonment in  
24 the county jail for not to exceed six months or by a fine of not more  
25 than two hundred fifty dollars, or both such imprisonment and fine.

26 2. Except as authorized by this Act, it is unlawful for any person  
27 to create, deliver, or possess with intent to deliver, a counterfeit  
28 substance, or to act with, enter into a common scheme or design with,  
29 or conspire with one or more other persons to create, deliver, or  
30 possess with intent to deliver, a counterfeit substance.

31 a. Any person who violates this subsection with respect to:

32 (1) A counterfeit substance classified in schedule I or II which is  
33 a narcotic drug, is guilty of a public offense and upon conviction shall  
34 be punished by imprisonment in the penitentiary for not to exceed  
35 ten years, and by a fine of not more than two thousand dollars.

36 (2) Any other counterfeit substance classified in schedules I, II,  
37 or III, is guilty of a public offense and upon conviction shall be pun-  
38 ished by imprisonment in the penitentiary for not to exceed five  
39 years and by a fine of not more than one thousand dollars.

40 (3) A counterfeit substance classified in schedule IV, is guilty of  
41 a public offense and upon conviction shall be punished by imprison-  
42 ment in the county jail for not to exceed one year or by a fine of not  
43 more than five hundred dollars, or by both such imprisonment and  
44 fine.

45 (4) A counterfeit substance classified in schedule V, is guilty of  
46 a public offense and upon conviction shall be punished by imprison-  
47 ment in the county jail for not to exceed six months or by a fine of  
48 not more than two hundred fifty dollars, or by both such imprison-  
49 ment and fine.

50 3. It is unlawful for any person knowingly or intentionally to  
51 possess a controlled substance unless such substance was obtained  
52 directly from, or pursuant to, a valid prescription or order of a  
53 practitioner while acting in the course of his professional practice,  
54 or except as otherwise authorized by this Act. Any person who vio-  
55 lates this subsection with respect to:

56 a. A substance classified in schedule I or II which is a narcotic  
57 drug, is guilty of a public offense and upon conviction shall be pun-

58 ished by imprisonment in the penitentiary for not to exceed five  
 59 years or in the county jail for not to exceed one year, or by a fine of  
 60 not more than one thousand dollars, or by both such imprisonment  
 61 and fine.

62 \*is guilty of a misdemeanor, and upon conviction shall be punished  
 63 by imprisonment in the county jail for not to exceed one year, or by  
 64 a fine of not more than one thousand dollars, or both such imprison-  
 65 ment and fine. If the controlled substance is marijuana, the punish-  
 66 ment shall be by imprisonment in the county jail for not more than  
 67 six (6) months or by a fine of not more than one thousand dollars  
 68 (\$1,000), or by both such fine and imprisonment. All or any part  
 69 of a sentence imposed pursuant to this section may be suspended and  
 70 the person placed upon probation upon such terms and conditions as  
 71 the court may impose including the active participation by such  
 72 person in a drug treatment, rehabilitation or education program  
 73 approved by the court.

1 **SEC. 402. Prohibited acts—distributors—registrants—proprietors**  
 2 **—penalties.**

3 1. It is unlawful for any person:

4 a. Who is subject to division III to distribute or dispense a  
 5 controlled substance in violation of section three hundred eight  
 6 (308) of this Act;

7 b. Who is a registrant, to manufacture a controlled substance not  
 8 authorized by his registration, or to distribute or dispense a con-  
 9 trolled substance not authorized by his registration to another  
 10 registrant or other authorized person;

11 c. To refuse or fail to make, keep or furnish any record, notifica-  
 12 tion, order form, statement, invoice or information required under  
 13 this Act;

14 d. To refuse an entry into any premises during reasonable busi-  
 15 ness hours for any inspection authorized by this Act; or

16 e. Knowingly to keep or permit the keeping or to maintain any  
 17 premises, store, shop, warehouse, dwelling, temporary, or permanent  
 18 building, vehicle, boat, aircraft, or other temporary or permanent  
 19 structure or place, which is resorted to by persons using controlled  
 20 substances in violation of this Act for the purpose of using these  
 21 substances, or which is used for keeping, possessing or selling them  
 22 in violation of this Act.

23 2. Any person who violates subsection one (1) of this section, or  
 24 who acts with, enters into a common scheme or design with, or con-  
 25 spires with one or more other persons to violate subsection one (1)  
 26 of this section, is guilty of a public offense and upon conviction:

27 a. Of a violation of paragraphs a, b, d, or e shall be punished by  
 28 imprisonment in the penitentiary for not to exceed one year, or by  
 29 a fine of not more than one thousand dollars, or both such imprison-  
 30 ment and fine.

31 b. Of a violation of paragraph c shall be punished by a fine of not  
 32 more than five hundred dollars if the conviction is the defendant's  
 33 first under this Act or under any state or federal statute relating to  
 34 narcotic drugs, marijuana, or stimulant, depressant, or hallucino-  
 35 genic drugs, and by imprisonment in the penitentiary for not to

\*According to enrolled Act.  
 See ch. 149, §19

36 exceed one year, or by a fine of not more than one thousand dollars,  
37 or both such imprisonment and fine if the defendant has previously  
38 been so convicted.

1 **SEC. 403. Prohibited acts—controlled substances, distribution,**  
2 **use, possession—records and information—penalties.**

3 1. It is unlawful for any person knowingly or intentionally:

4 a. To distribute as a registrant a controlled substance classified in  
5 schedules I or II, except pursuant to an order form as required by  
6 section three hundred seven (307) of this Act;

7 b. To use in the course of the manufacture or distribution of a  
8 controlled substance a registration number which is fictitious, re-  
9 voked, suspended, or issued to another person;

10 c. To acquire or obtain possession of a controlled substance by  
11 misrepresentation, fraud, forgery, deception or subterfuge;

12 d. To furnish false or fraudulent material information in, or omit  
13 any material information from, any application, report, or other  
14 document required to be kept or filed under this Act, or any record  
15 required to be kept by this Act; or

16 e. To make, distribute, or possess any punch, die, plate, stone, or  
17 other thing designed to print, imprint, or reproduce the trademark,  
18 trade name, or other identifying mark, imprint, or device of another  
19 or any likeness of any of the foregoing upon any drug or container  
20 or labeling thereof so as to render the drug a counterfeit substance.

21 2. Any person who violates this section, or who acts with, enters  
22 into a common scheme or design with, or conspires with one or more  
23 other persons to violate this section, is guilty of a public offense and  
24 upon conviction shall be punished by imprisonment in the peniten-  
25 tiary for not to exceed one year and by a fine of not more than one  
26 thousand dollars.

1 **SEC. 404. Penalties under other laws.** Any penalty imposed for  
2 violation of this division shall be in addition to, and not in lieu of,  
3 any civil or administrative penalty or sanction otherwise authorized  
4 by law.

1 **SEC. 405. Bar to prosecution.** If a violation of this Act is a vio-  
2 lation of a federal law or the law of another state, the conviction or  
3 acquittal under federal law or the law of another state for the same  
4 act is a bar to prosecution in this state.

1 **SEC. 406. Distribution to persons under age eighteen.** Any per-  
2 son who is eighteen years of age or over who violates section four  
3 hundred one (401), subsection one (1) of this Act, by distributing  
4 a substance listed in schedule I or II, which is a narcotic drug, to a  
5 person under eighteen years of age, shall be punished by a fine and  
6 by a term of imprisonment not to exceed twice that authorized by  
7 section four hundred one (401), subsection one (1), paragraph a,  
8 subparagraph one (1) of this Act. Any person who is eighteen years  
9 of age or over who violates section four hundred one (401), subsec-  
10 tion one (1) of this Act, by distributing any other controlled sub-  
11 stance listed in schedules I, II, III, IV, or V to a person under  
12 eighteen years of age who is at least three years his junior shall be  
13 punished by a fine not to exceed that authorized by section four hun-  
14 dred one (401), subsection one (1), paragraph a, subparagraphs  
15 two (2) or three (3) of this Act, or by a term of imprisonment not

16 to exceed one and one-half times that authorized by section four  
17 hundred one (401), subsection one (1), paragraph a, subparagraphs  
18 two (2) or three (3) of this Act, or by both such fine and imprison-  
19 ment.

1     **SEC. 407. Gatherings where controlled substances unlawfully used**  
2 **—penalties.** It is unlawful for any person to sponsor, promote,  
3 or aid, or assist in the sponsoring or promoting of a meeting, gath-  
4 ering, or assemblage with the knowledge or intent that a controlled  
5 substance be there distributed, used or possessed, in violation of this  
6 Act.

7     Court appointed attorney fees incurred in the defense of any  
8 person charged with a felony under this section shall be taxed as  
9 part of the costs against the defendants who are found guilty. If  
10 the defendant does not discharge such costs within ninety days, the  
11 county paying such costs may seek indemnification therefor from  
12 the Iowa general assembly. A county may also seek indemnification  
13 from the general assembly of court appointed attorney fees incurred  
14 in the defense of any person charged with a felony under this section  
15 who was found not guilty.

16     Any person who violates this section, and where the controlled  
17 substance is marijuana only, is guilty of a public offense and upon  
18 conviction shall be punished by imprisonment in the county jail for  
19 not to exceed one year or by a fine of not to exceed one thousand  
20 dollars or by both such fine and imprisonment.

21     The district court shall grant an injunction barring a meeting,  
22 gathering, or assemblage if upon hearing the court finds that the  
23 sponsors or promoters of the meeting, gathering, or assemblage have  
24 not taken reasonable means to prevent the unlawful distribution,  
25 use or possession of a controlled substance. Further injunctive relief  
26 may be granted against all persons furnishing goods or services to  
27 such meeting, gathering, or assemblage.

28     The district court may, upon application and a showing of one or  
29 more of the grounds provided in section 639.3 of the Code, grant to  
30 the state or governmental subdivision thereof a writ of attachment,  
31 ex parte, without bond, in an amount necessary to secure the pay-  
32 ment of any fine that may be imposed and the payment of costs.  
33 The reasonable expense to the state and governmental subdivisions  
34 thereof to provide the necessary law enforcement resulting from a  
35 meeting, gathering or assemblage held in violation of this section  
36 may be taxed as costs in the criminal action.

37     Court costs and court-appointed attorney fees incurred in the  
38 prosecution of any person charged with violation of this Act shall  
39 be taxed against the defendants who are found guilty of violating  
40 this section. If no defendant is found guilty of violating this section,  
41 or if the court costs and court-appointed attorney fees are not satis-  
42 fied by the defendants, the court costs and court-appointed attorney  
43 fees shall be paid by the state of Iowa.

1     **SEC. 408. Joint criminal trials.** Information, indictments, trial,  
2 and sentencing for violations of this Act may allege any number of  
3 violations of their provisions against one person and join one or  
4 more persons as defendants who it is alleged violated the same pro-  
5 visions in the same transaction or series of transactions and which

6 involve common questions of law and fact. The several charges shall  
7 be set out in separate counts and each accused person shall be con-  
8 victed or acquitted upon each count by separate verdict. Each  
9 accused person shall thereafter be sentenced upon each verdict of  
10 guilty. The court may consider such separate verdicts of guilty  
11 returned at the same time as one offense for the purpose of sentenc-  
12 ing as provided in this chapter. The court may grant a severance  
13 and separate trial to any accused person jointly charged or indicted  
14 if it appears that substantial injustice would result to such accused  
15 person unless a separate trial was granted.

1 **SEC. 409. Conditional discharge, commitment for treatment, pro-**  
2 **bation, parole.**

3 1. Whenever any person who has not previously been convicted of  
4 any offense under this Act or any offense under any state or federal  
5 statute relating to narcotic drugs, marijuana, or stimulant, depres-  
6 sant, or hallucinogenic drugs, pleads guilty to or is found guilty of  
7 possession of a controlled substance under section four hundred one  
8 (401), subsection three (3) of this Act, or is sentenced pursuant to  
9 section four hundred ten (410) of this Act, the court, without enter-  
10 ing a judgment of guilt and with the consent of the accused, may  
11 defer further proceedings and place him on probation upon terms  
12 and conditions as it requires. When a person is placed on probation  
13 under this subsection, his appearance bond may be discharged at the  
14 discretion of the court. Upon violation of a term or condition, the  
15 court may enter an adjudication of guilt and proceed as otherwise  
16 provided. Upon fulfillment of the terms and conditions, the court  
17 shall discharge the person and dismiss the proceedings against him.  
18 Discharge and dismissal under this section shall be without court  
19 adjudication of guilt and is not a conviction for purposes of this  
20 section or for purposes of disqualifications or disabilities imposed by  
21 law upon conviction of a crime, including the additional penalties  
22 imposed for second or subsequent convictions under section four  
23 hundred ten (410) of this Act. Discharge and dismissal under this  
24 section may occur only once with respect to any person.

25 2. Whenever the court finds that a person who is charged with a  
26 violation of section four hundred one (401) of this Act and who  
27 consents thereto, or who has entered a plea of guilty to or been  
28 found guilty of a violation of section four hundred one (401) of this  
29 Act, and who is addicted to, dependent upon, or a chronic abuser of  
30 any controlled substance and that such person will be aided by  
31 proper medical treatment and rehabilitative services, it may order  
32 that he be committed as an in-patient or out-patient to a facility  
33 approved by the state department of health for such medical treat-  
34 ment and rehabilitative services. A person committed under this  
35 subsection who is not possessed of sufficient income or estate to  
36 enable him to make payment of the costs of such treatment in whole  
37 or in part shall be considered a state patient. The determination of  
38 ability to pay shall be made by the court. The court shall require  
39 the patient, or his parent, guardian, or custodian to complete under  
40 oath a detailed financial statement. The court may enter appropriate  
41 orders requiring the patient or those legally liable for his support to  
42 reimburse the state with the costs, or any part thereof. In order to

43 obtain the most effective results from such medical treatment and  
44 rehabilitative services, the court may commit such person to the  
45 custody of a public or private agency or any other responsible person  
46 and impose such other conditions upon such commitment as is neces-  
47 sary to insure compliance with the court's order and to insure that  
48 such person will not, during such period of treatment and rehabili-  
49 tation, again violate any provisions of this Act. If it is established  
50 thereafter to the satisfaction of the court that the person has again  
51 violated any provision of this Act, he may be returned to custody or  
52 sentenced upon his conviction as provided by law. The public or  
53 private agency or responsible person to whom the accused person  
54 was committed by the court shall immediately report to the court  
55 when the person has received maximum benefit from the program  
56 or has recovered from his addiction, dependency, or tendency to  
57 chronically abuse any controlled substance. The person shall then  
58 be returned to the court for disposition of his case. If the person  
59 has been charged or indicted, but not convicted, such charge shall  
60 proceed to trial or final disposition. If the person has been convicted  
61 or is thereafter convicted, the court shall sentence him as provided  
62 by law but may remit all or any part of such sentence and place the  
63 person on probation upon such terms and conditions as the court  
64 may prescribe.

1     **SEC. 410. Reduced sentence for accommodation offenses.** Any  
2 person who enters a plea of guilty to or is found guilty of a violation  
3 of section four hundred one (401), subsections one (1) or two (2),  
4 of this Act may move for and the court shall grant a further hear-  
5 ing at which evidence may be presented by the person, and by the  
6 prosecution if it so desires, relating to the nature of the act or acts  
7 on the basis of which the person has been convicted. If the convicted  
8 person establishes by clear and convincing evidence that he delivered  
9 or possessed with intent to deliver a controlled substance only as an  
10 accommodation to another individual and not with intent to profit  
11 thereby nor to induce the recipient or intended recipient of the con-  
12 trolled or counterfeit substance to become addicted to or dependent  
13 upon the substance, the court shall sentence the person as if he had  
14 been convicted of a violation of section four hundred one (401), sub-  
15 section three (3) of this Act.

1     **SEC. 411. Second or subsequent offenses.**

2     1. Any person convicted of a second or subsequent offense under  
3 this Act, may be punished by imprisonment for a period not to  
4 exceed three times the term otherwise authorized, or fined not more  
5 than three times the amount otherwise authorized, or punished by  
6 both such imprisonment and fine.

7     2. For purposes of this section, an offense is considered a second  
8 or subsequent offense, if, prior to his having been convicted of the  
9 offense, the offender has ever been convicted under this Act or under  
10 any state or federal statute relating to narcotic drugs, marijuana,  
11 depressant, stimulant, or hallucinogenic drugs.

12     3. This section does not apply to offenses under section four hun-  
13 dred one (401), subsection three (3) of this Act.

1     **SEC. 412. Notice of conviction.** Whenever any person enters a  
2 plea of guilty to, or forfeits bail or collateral deposited to secure his  
3 appearance in court, and such forfeiture is not vacated, or is found  
4 guilty upon an indictment or information alleging a violation of this  
5 Act, a copy of the minutes attached to the indictment returned by the  
6 grand jury, or to the county attorney's information, a copy of the  
7 judgment and sentence, and a copy of the opinion of the judge if one  
8 is filed, shall be sent by the clerk of the court or the judge to any  
9 state board or officer by whom the convicted person has been licensed  
10 or registered to practice his profession or carry on his business.  
11 On the conviction of any such person, the court may, in its considered  
12 judgment, suspend or revoke the license or registration of the con-  
13 victed defendant to practice his profession or carry on his business.  
14 On the application of any person whose license or registration has  
15 been suspended or revoked, and upon proper showing and for good  
16 cause, said board or officer may reinstate such license or registration.

## DIVISION V

## ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

1     **SEC. 501. Responsibility for enforcement.** The department shall  
2 be primarily responsible for the enforcement of all provisions of this  
3 Act, and all other laws and regulations of this state, relating to con-  
4 trolled or counterfeit substances, except that the board shall be pri-  
5 marily responsible for making accountability audits of the supply  
6 and inventory of controlled substances in the possession of pharma-  
7 cists, doctors, hospitals, and health care facilities as defined in section  
8 one hundred thirty-five C point one (135C.1), subsection eight (8) of  
9 the Code, as well as in the possession of any and all other individuals  
10 or institutions authorized to have possession of any controlled sub-  
11 stances, and shall also be primarily responsible for such other duties  
12 in respect to controlled substances as shall be specifically delegated  
13 to the board by law. Any officer or employee of the board may, when  
14 so directed or authorized by the board:

- 15     1. Execute and serve search warrants, administrative inspection  
16 warrants, subpoenas, and summonses issued under the authority of  
17 this state.
- 18     2. Make seizures of property pursuant to the provisions of this Act.

1     **SEC. 502. Administrative inspections and warrants.**

- 2     1. Issuance and execution of administrative inspection warrants  
3 shall be as follows:
  - 4     a. A district or municipal court judge, within his jurisdiction, and  
5 upon proper oath or affirmation showing probable cause, may issue  
6 warrants for the purpose of conducting administrative inspections  
7 authorized by this Act or rule thereunder, and seizures of property  
8 appropriate to such inspections. For purposes of the issuance of  
9 administrative inspection warrants, probable cause exists upon show-  
10 ing a valid public interest in the effective enforcement of the Act  
11 or rules promulgated thereunder, sufficient to justify administrative  
12 inspection of the area, premises, building or conveyance in the cir-  
13 cumstances specified in the application for the warrant.
  - 14     b. A warrant shall issue only upon sworn testimony of an officer or

15 employee of the board duly designated and having knowledge of the  
16 facts alleged, before the district or municipal court judge, establishing  
17 the grounds for issuing the warrant. If the judge is satisfied that  
18 grounds for the application exist or that there is probable cause to  
19 believe they exist, he shall issue a warrant identifying the area,  
20 premises, building, or conveyance to be inspected, the purpose of the  
21 inspection, and, if appropriate, the type of property to be inspected,  
22 if any.

23 The warrant shall:

24 (1) State the grounds for its issuance and the name of each per-  
25 son whose testimony has been taken in support thereof.

26 (2) Be directed to a person authorized by section five hundred one  
27 (501) of this Act to execute it.

28 (3) Command the person to whom it is directed to inspect the area,  
29 premises, building, or conveyance identified for the purpose speci-  
30 fied and, if appropriate, direct the seizure of the property specified.

31 (4) Identify the item or types of property to be seized, if any.

32 (5) Direct that it be served during normal business hours, if  
33 appropriate, and designate the judge to whom it shall be returned.

34 c. A warrant issued pursuant to this section must be executed and  
35 returned within ten days after its date unless, upon a showing of a  
36 need for additional time, the court so instructs otherwise in the war-  
37 rant. If property is seized pursuant to a warrant, the person execut-  
38 ing the warrant shall give to the person from whom the property is  
39 seized, or the person in charge of the premises from which the prop-  
40 erty is seized, a copy of the warrant and a receipt for the property  
41 seized or shall leave the copy and receipt at the place from which  
42 the property is seized. The return of the warrant shall be made  
43 promptly and shall be accompanied by a written inventory of any  
44 property seized. The inventory shall be made in the presence of the  
45 person executing the warrant and of the person from whose posses-  
46 sion or premises the property was seized, if they are present, or in the  
47 presence of at least one credible person other than the person execut-  
48 ing the warrant. A copy of the inventory shall be delivered to the  
49 person from whom or from whose premises the property was seized  
50 and to the applicant for the warrant.

51 d. The judge who has issued a warrant under this section shall  
52 require that there be attached to the warrant a copy of the return,  
53 and of all papers filed in connection with the return, and shall file  
54 them with the clerk of the district or municipal court for the district  
55 in which the inspection was made.

56 2. The department may make administrative inspections of con-  
57 trolled premises in accordance with the following provisions:

58 a. For purposes of this section only, "controlled premises" means:

59 (1) Places where persons registered or exempted from registra-  
60 tion requirements under this Act are required to keep records; and

61 (2) Places including factories, warehouse establishments, and  
62 conveyances where persons registered or exempted from registration  
63 requirements under this Act are permitted to hold, manufacture,  
64 compound, process, sell, deliver, or otherwise dispose of any con-  
65 trolled substance.

66 b. Whenever authorized by an administrative inspection warrant  
67 issued pursuant to subsection one (1) of this section an officer or



68 employee of the board, upon presenting the warrant and appropriate  
69 credentials to the owner, operator, or agent in charge, has the right  
70 to enter controlled premises for the purpose of conducting an admin-  
71 istrative inspection.

72 c. Whenever authorized by an administrative inspection warrant,  
73 an officer or employee of the board has the right:

74 (1) To inspect and copy records required by this Act to be kept;

75 (2) To inspect, within reasonable limits and in a reasonable man-  
76 ner, controlled premises and all pertinent equipment, finished and  
77 unfinished material, containers and labeling found therein, and, ex-  
78 cept as provided in paragraph e of this subsection, all other things  
79 therein, including records, files, papers, processes, controls, and fa-  
80 cilities bearing on violation of this Act; and

81 (3) To inventory any stock of any controlled substance therein  
82 and obtain samples of any such substance.

83 d. This section shall not be construed to prevent the inspection  
84 without a warrant of books and records pursuant to a subpoena  
85 issued in accordance with section six hundred twenty-two point  
86 sixty-five (622.65) of the Code, nor shall this section be construed  
87 to prevent entries and administrative inspections, including seizures  
88 of property, without a warrant:

89 (1) With the consent of the owner, operator, or agent in charge  
90 of the controlled premises;

91 (2) In situations presenting imminent danger to health or safety;

92 (3) In situations involving inspection of conveyances where there  
93 is reasonable cause to believe that the mobility of the conveyance  
94 makes it impracticable to obtain a warrant;

95 (4) In any other exceptional or emergency circumstance where  
96 time or opportunity to apply for a warrant is lacking; and

97 (5) In all other situations where a warrant is not constitutionally  
98 required.

99 e. Except when the owner, operator, or agent in charge of the con-  
100 trolled premises so consents in writing, no inspection authorized by  
101 this section shall extend to financial data; sales data, other than  
102 shipment data; or pricing data.

1 **SEC. 503. Injunctions.**

2 1. The district court may exercise jurisdiction to enjoin violations  
3 of this Act.

4 2. In case of an alleged violation of an injunction or restraining  
5 order issued under this section, upon demand of the defendant, trial  
6 shall be by a jury.

1 **SEC. 504. Cooperative arrangements and confidentiality.**

2 1. The department and board, subject to approval and direction of  
3 the governor, shall cooperate with federal and other state agencies  
4 in discharging its responsibilities concerning traffic in controlled  
5 substances and in suppressing the abuse of controlled substances.  
6 To this end, they may jointly:

7 a. Arrange for the exchange of information between governmental  
8 officials concerning the use and abuse of controlled substances.

9 b. Coordinate and cooperate in training programs on controlled  
10 substance law enforcement at the local and state levels.

11 c. Cooperate with the bureau by establishing a centralized unit

12 which will accept, catalogue, file, and collect statistics, including rec-  
13 ords of drug dependent persons and other controlled substance law  
14 offenders within the state, and make such information available for  
15 federal, state and local law enforcement purposes; except that they  
16 shall not furnish the name or identity of a patient or research subject  
17 whose identity could not be obtained under subsection three (3).

18 d. Conduct programs of eradication aimed at destroying wild or  
19 illicit growth of plant species from which controlled substances may  
20 be extracted.

21 2. Results, information, and evidence received from the bureau  
22 relating to the regulatory functions of this Act, including results of  
23 inspections conducted by that agency may be relied upon and acted  
24 upon by the board or the department in the exercise of their regula-  
25 tory functions under this Act.

26 3. A practitioner engaged in medical practice or research shall not  
27 be required to furnish the name or identity of a patient or research  
28 subject to the board or the department, nor shall the practitioner be  
29 compelled in any state or local civil, criminal, administrative, legisla-  
30 tive or other proceedings to furnish the name or identity of an indi-  
31 vidual that the practitioner is obligated to keep confidential.

1 **SEC. 505. Forfeitures.**

2 1. The following are subject to forfeiture:

3 a. All controlled substances which have been manufactured, distri-  
4 buted, dispensed or acquired in violation of this Act;

5 b. All raw materials, products and equipment of any kind which  
6 are used, or intended for use, in manufacturing, compounding, process-  
7 ing, delivering, importing, or exporting any controlled substance in  
8 violation of this Act;

9 c. All property which is used, or intended for use, as a container  
10 for property described in paragraphs a or b;

11 d. All books, records, and research products and materials, includ-  
12 ing formulas, microfilm, tapes, and data which are used, or intended  
13 for use, in violation of this Act.

14 2. Property subject to forfeiture under this Act may be seized by  
15 the board or department when:

16 a. The seizure is incident to an arrest or a search under a search  
17 warrant or an inspection under an administrative inspection war-  
18 rant;

19 b. The property subject to seizure has been the subject of a prior  
20 judgment in favor of the state in a criminal injunction or forfeiture  
21 proceeding based upon this Act;

22 c. The department has probable cause to believe that the property  
23 is directly or indirectly dangerous to health or safety; or

24 d. The department has probable cause to believe that the property  
25 was used or is intended to be used in violation of this Act.

26 3. In the event of seizure pursuant to subsection two (2), proceed-  
27 ings under subsection four (4) shall be instituted promptly.

28 4. Property taken, detained, or forfeited under this Act shall be  
29 disposed of in the manner provided in chapter seven hundred fifty-  
30 one (751) of the Code for property seized pursuant to a search war-  
31 rant, except that controlled substances so taken, detained, or forfeited  
32 shall be disposed of as provided by section five hundred six (506) of

33 this Act. Such property shall not be subject to replevin.

34 5. Controlled substances classified in schedule I that are possessed,  
35 transferred, sold, or offered for sale in violation of this Act are con-  
36 traband and when seized shall be summarily forfeited to the state.  
37 Controlled substances listed in schedule I, which are seized or come  
38 into the possession of the state, the owners of which are unknown,  
39 are contraband and shall be summarily forfeited to the state.

40 6. Species of plants from which controlled substances classified in  
41 schedules I and II may be derived which have been planted or culti-  
42 vated in violation of this Act, or of which the owners or cultivators  
43 are unknown, or which are wild growths, may be seized and sum-  
44 marily forfeited to the state.

45 7. The failure, upon demand by the board or department, or its  
46 duly authorized agent, of the person in occupancy or in control of  
47 land or premises upon which such species of plants are growing or  
48 being stored, to produce an appropriate registration, or proof that  
49 he is the holder thereof, shall constitute authority for the seizure  
50 and forfeiture of the plants.

51 8. Chapter one hundred twenty-seven (127) of the Code shall be  
52 applicable to conveyances used to transport or hold any controlled  
53 substance listed in schedules I, II, III, or IV of this Act.

1 **SEC. 506. Controlled substances — disposal.** All controlled sub-  
2 stances, the lawful possession of which is not established or the title  
3 to which cannot be ascertained, or excess or undesired controlled sub-  
4 stances, which have come into the custody of the board, the depart-  
5 ment, or any peace officer, shall be disposed of as follows:

6 1. Except as otherwise provided in this section, the court having  
7 jurisdiction shall order such controlled substances forfeited and de-  
8 stroyed. A record of the place where the controlled substances were  
9 seized, of the kinds and quantities of controlled substances so de-  
10 stroyed, and of the time, place, and manner of destruction, shall be  
11 kept, and a return under oath, reporting said destruction, shall be  
12 made to the court and to the bureau by the officer who destroys  
13 them.

14 2. Upon written application by the board, the court by whom the  
15 forfeiture of controlled substances has been decreed may order the  
16 delivery of any of them, except controlled substances listed in sched-  
17 ular I, to the board for distribution or destruction, as provided by this  
18 section.

19 3. Upon application by any hospital within this state, not operated  
20 for private gain, the board may in its discretion deliver any con-  
21 trolled substances that have come into its custody by authority of  
22 this section to the applicant for medicinal use. The board may from  
23 time to time deliver excess stocks of controlled substances to the  
24 bureau for disposition, or may destroy the excess controlled sub-  
25 stances.

26 4. The board shall keep a full and complete record of all controlled  
27 substances received and disposed of, showing the exact kinds, quanti-  
28 ties, and forms of controlled substances, the persons from whom  
29 received and to whom delivered, by whose authority received, de-  
30 livered, and destroyed and the dates of the receipt, disposal, or de-  
31 struction, which record shall be open to inspection by all federal or

32 state officers charged with the enforcement of federal and state laws  
33 relating to any controlled substance.

1 **SEC. 507. Burden of proof; liabilities.**

2 1. It is not necessary for the state to negate any exemption or  
3 exception set forth in this Act in any complaint, information, indict-  
4 ment or other pleading or in any trial, hearing, or other proceeding  
5 under this Act. The proof of entitlement to any exemption or excep-  
6 tion by the person claiming its benefit shall be a valid defense.

7 2. The absence of proof that a person is the duly authorized holder  
8 of an appropriate registration or order form issued under this Act  
9 creates a rebuttable presumption that he is not the holder of such  
10 registration or form.

11 3. No liability shall be imposed by virtue of this Act upon any  
12 authorized state, county or municipal officer, engaged in the lawful  
13 performance of his duties.

1 **SEC. 508. Judicial review.** All final determinations, findings and  
2 conclusions of the board or department under this Act shall be final  
3 and conclusive decisions of the matters involved, except that any per-  
4 son aggrieved by the decision may obtain review of the decision in the  
5 district court. Findings of fact by the board or department, if sup-  
6 ported by substantial evidence, are conclusive.

1 **SEC. 509. Education and research.**

2 1. The board and the department, subject to approval and direc-  
3 tion of the governor, shall carry out educational programs designed  
4 to prevent and deter misuse and abuse of controlled substances. They  
5 shall consult with each other and coordinate their programs so as to  
6 avoid duplication of effort. In connection with these programs they  
7 may:

8 a. Promote better recognition of the problems of misuse and  
9 abuse of controlled substances within the regulated industry and  
10 among interested groups and organizations;

11 b. Assist the regulated industry and interested groups and organi-  
12 zations in contributing to the reduction of misuse and abuse of con-  
13 trolled substances;

14 c. Consult with interested groups and organizations to aid them  
15 in solving administrative and organizational problems;

16 d. Evaluate procedures, projects, techniques, and controls conduct-  
17 ed or proposed as part of educational programs on misuse and abuse  
18 of controlled substances;

19 e. Disseminate the results of research on misuse and abuse of  
20 controlled substances to promote a better public understanding of  
21 what problems exist and what can be done to combat them; and,

22 f. Assist in the education and training of state and local law en-  
23 forcement officials in their efforts to control misuse and abuse of  
24 controlled substances.

25 2. The board and the department, subject to approval and direc-  
26 tion of the governor, shall encourage research on misuse and abuse  
27 of controlled substances. In connection with such research, and in  
28 furtherance of the enforcement of this Act, they may in such manner  
29 as will best insure coordination and avoid duplication of effort:

30 a. Establish methods to assess accurately the effects of controlled  
31 substances and identify and characterize those with potential for  
32 abuse;

- 33 b. Make studies and undertake programs of research to:  
 34 (1) Develop new or improved approaches, techniques, systems,  
 35 equipment and devices to strengthen the enforcement of this Act;  
 36 (2) Determine patterns of misuse and abuse of controlled sub-  
 37 stances and the social effects thereof; and,  
 38 (3) Improve methods for preventing, predicting, understanding  
 39 and dealing with the misuse and abuse of controlled substances; and,  
 40 c. Enter into contracts with public agencies, institutions of higher  
 41 education, and private organizations or individuals for the purpose  
 42 of conducting research, demonstrations, or special projects which  
 43 bear directly on misuse and abuse of controlled substances.
- 44 3. The board or department, subject to approval and direction of  
 45 the governor, may enter into contracts for educational and research  
 46 activities without performance bonds.
- 47 4. The board and department, subject to approval and direction of  
 48 the governor, may jointly authorize persons engaged in research on  
 49 the use and effects of controlled substances to withhold the names  
 50 and other identifying characteristics of individuals who are the sub-  
 51 jects of the research. Persons who obtain this authorization shall  
 52 not be compelled in any civil, criminal, administrative, legislative, or  
 53 other proceeding to identify the individuals who are the subjects of  
 54 research for which the authorization was obtained.
- 55 5. The board and department, subject to approval and direction of  
 56 the governor, may jointly authorize the possession and distribution  
 57 of controlled substances by persons engaged in research. Persons  
 58 who obtain this authorization are exempt from state prosecution for  
 59 possession and distribution of controlled substances to the extent of  
 60 the authorization.

1 SEC. 510. Any peace officer who arrests for any crime, any known  
 2 unlawful user of the drugs described in Schedule I, II, III, IV, or who  
 3 arrests any person for a violation of this Act, or charges any person  
 4 with a violation of this Act subsequent to the person's arrest, shall  
 5 within five days after the arrest or the filing of the charge, whichever  
 6 is later, report the arrest and the charge filed to the department. The  
 7 peace officer or any other peace officer or law-enforcement agency  
 8 which makes or obtains any quantitative or qualitative analysis of  
 9 any substance seized in connection with the arrest of the person  
 10 charged, shall report to the department the results of the analysis  
 11 at the time the arrest is reported or at such later time as the results  
 12 of the analysis become available.

13 This information is for the exclusive use of the division of nar-  
 14 cotic and drug enforcement, in the department of public safety, and  
 15 shall not be a matter of public record.

#### DIVISION VI

#### MISCELLANEOUS

#### 1 SEC. 601. Pending proceedings.

2 1. Prosecution for any violation of law occurring prior to the  
 3 effective date of this Act is not affected or abated by the passage of  
 4 this Act. If the offense being prosecuted is similar to one set out in

5 division IV of this Act then the penalties under division IV shall  
6 apply if they are less than those under prior law.

7 2. Civil seizures or forfeitures and injunctive proceedings com-  
8 menced prior to the effective date of this Act are not affected or  
9 abated by the passage of this Act.

10 3. All administrative proceedings pending under prior laws of this  
11 state which are superseded by this Act and are pending on the effec-  
12 tive date of this Act shall be continued and brought to a final deter-  
13 mination in accord with the laws and rules in effect prior to the  
14 effective date of the Act. Any substance controlled under prior law  
15 which is not listed within schedules I through V, is automatically  
16 controlled without further proceedings and shall be listed in the  
17 appropriate schedule.

18 4. The board shall initially permit persons to register who own or  
19 operate any establishment engaged in the manufacture, distribution,  
20 or dispensing of any controlled substance prior to the effective date  
21 of this Act and who are registered or licensed by the state.

22 5. This Act applies to violations of law, seizures and forfeiture,  
23 injunctive proceedings, administrative proceedings and investiga-  
24 tions which occur following its effective date.

1 **SEC. 602. Continuation of rules.** Any orders and rules which  
2 have been promulgated under any law affected by this Act and which  
3 are in effect on the effective date of this Act and not in conflict with  
4 the provisions of this Act continue in effect until modified, super-  
5 seded or repealed by the board or the department, as the case may be.

1 **SEC. 603. Uniformity of interpretation.** This Act shall be so  
2 construed as to effectuate its general purpose to make uniform the  
3 law of those states which enact it.

1 **SEC. 604. Short title.** This Act may be cited as the Uniform Con-  
2 trolled Substances Act.

1 **SEC. 605. Repealers.** The laws specified below are repealed ex-  
2 cept with respect to rights and duties which matured, penalties  
3 which were incurred and proceedings which were begun before the  
4 effective date of this Act:

- 5 1. Chapter two hundred four (204), Code 1971.
- 6 2. Chapter two hundred four A (204A), Code 1971.

1 **SEC. 606.** Section eighty point twenty-seven (80.27), Code 1971,  
2 is amended as follows:

3 **80.27 Drug law enforcement by department.** The state depart-  
4 ment of public safety shall be primarily responsible for the enforce-  
5 ment of all laws and regulations relating to any controlled substance  
6 or counterfeit substance, except for making accountability audits of  
7 the supply and inventory of controlled substances in the possession  
8 of pharmacists, doctors, hospitals, homes, and health care facilities  
9 as defined in section 135C.1, subsection 8 of the Code, as well as in  
10 the possession of any and all other individuals or institutions author-  
11 ized to have possession of any controlled substances.

12 As used in this chapter, the terms "controlled substances" and  
13 "counterfeit substances" shall be the same as defined in section 101,  
14 subsections 6 and 7, respectively, of this Act.

1 SEC. 607. Section eighty point twenty-eight (80.28), Code 1971,  
2 is amended as follows:

3 **80.28 Agents transferred from pharmacy board.** All agents of  
4 the board of pharmacy examiners who, on May 8, 1970, are either  
5 engaged in the enforcement of laws or regulations relating to con-  
6 trolled or counterfeit substances, except whose primary responsibil-  
7 ity is making accountability audits, are hereby transferred to and  
8 shall be considered part of the department of public safety. Salary  
9 and expenses for such transferred agents included in the budget of  
10 the board of pharmacy examiners shall be transferred to the depart-  
11 ment of public safety by the state comptroller upon the effective date  
12 of the transfer.

1 SEC. 608. Section eighty point thirty (80.30), Code 1971, is  
2 amended as follows:

3 **80.30 Additional employees.** Except as provided in this section,  
4 from and after May 8, 1970, any additional individuals hired by the  
5 state department of public safety for the purpose of enforcement of  
6 laws relating to controlled or counterfeit substances shall be subject  
7 to the provisions of section 80.15 and such individuals shall be cover-  
8 ed by the provisions of chapter 97A. They shall be entitled to  
9 receive the benefits provided in chapter 97A, and will be required to  
10 make such contributions and payments into the system as are re-  
11 quired by such chapter. However, if there is an individual who is  
12 not able to meet the qualifications established by section 80.15 or  
13 chapter 97A and he otherwise possesses experience and training  
14 which qualifies him as a person capable of enforcing laws relating  
15 to controlled or counterfeit substances, he may be hired by the com-  
16 missioner of public safety notwithstanding.

1 SEC. 609. Section eighty point thirty-two (80.32), Code 1971,  
2 is amended as follows:

3 **80.32 Division of drug law enforcement.** The commissioner of  
4 public safety shall establish a division of drug law enforcement and  
5 assign all enforcement functions and personnel therefor to the divi-  
6 sion of drug law enforcement. The commissioner shall assign other  
7 members of the department of public safety to the division of drug  
8 law enforcement on a temporary basis or for the purpose of special  
9 assignment. The division of drug law enforcement and any other  
10 division of the department of public safety may co-operate and co-  
11 ordinate their efforts in enforcing laws relating to controlled or  
12 counterfeit substances and other laws which the department is  
13 charged with enforcing.

1 SEC. 610. Section eighty point thirty-three (80.33), Code 1971,  
2 is amended as follows:

3 **80.33 Access to drug records by agents.** Every person required  
4 by law to keep records, and any carrier maintaining records with  
5 respect to any shipment containing any controlled or counterfeit  
6 substances shall, upon request of an authorized agent of the de-  
7 partment of public safety, designated by the commissioner of public  
8 safety, permit such agent at reasonable times to have access to  
9 and copy such records. For the purpose of examining and veri-  
10 fying such records authorized agents of the department of public

11 safety, designated by the commissioner of public safety, may enter  
 12 at reasonable times any place or vehicle in which any controlled or  
 13 counterfeit substance is held, manufactured, dispensed, compounded,  
 14 processed, sold, delivered, or otherwise disposed of and inspect such  
 15 place or vehicle, and the contents thereof. For the purpose of en-  
 16 forcing laws relating to controlled or counterfeit substances, and  
 17 upon good cause shown, personnel of the division of drug law en-  
 18 forcement in the department of public safety shall be allowed to  
 19 inspect audits and records in the possession of the state board of  
 20 pharmacy examiners.

1 SEC. 611. Section eighty point thirty-four (80.34), Code 1971, is  
 2 amended as follows:

3 **80.34 Powers of peace officers.** Any authorized agent of the  
 4 department of public safety designated to conduct examinations,  
 5 investigations, or inspections and enforce the laws relating to con-  
 6 trolled or counterfeit substances shall have all the powers of other  
 7 peace officers and may arrest without warrant for offenses under  
 8 this chapter committed in his presence or, in the case of a felony,  
 9 if he has probable cause to believe that the person arrested has  
 10 committed or is committing such offense. Such officers shall have  
 11 the same powers as other peace officers to seize controlled substances  
 12 or articles used in the manufacture or sale of controlled substances  
 13 which they have reasonable grounds to believe are in violation of law.  
 14 Such controlled substances or articles shall be subject to condemna-  
 15 tion.

1 SEC. 612. If any phrase, clause, subsection or section of this Act  
 2 shall be declared unconstitutional or invalid by any court of compe-  
 3 tent jurisdiction, it shall be conclusively presumed that the legisla-  
 4 ture would have enacted this Act without the phrase, clause, sub-  
 5 section or section so held unconstitutional or invalid; and the remain-  
 6 der of this Act shall not be affected as a result of such part being held  
 7 unconstitutional or invalid.

Approved March 5, 1971.

## CHAPTER 149

### DRUG CONTROL

S. F. 468

AN ACT relating to the regulation and control of certain drugs and providing proce-  
 dures for enforcement and penalties and making additional amendments to the  
 Code in conformity with Senate File one (1),\* Acts of the Sixty-fourth General  
 Assembly, First Session.

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

1 SECTION 1. Section one hundred fifty-five point three (155.3), sub-  
 2 section one (1), Code 1971, is amended as follows:

3 1. "Drugs and medicines" shall include all medicinal substances

\*Ch. 148.



4 and preparations for internal or external use recognized in the United  
5 States Pharmacopoeia or National Formulary, and any substance or  
6 mixture of substances intended to be used for the *diagnosis*, cure,  
7 mitigation, or prevention of disease of either man or animals.

1 SEC. 2. Section one hundred fifty-five point thirteen (155.13), sub-  
2 section two (2), Code 1971, is amended as follows:

3 2. Conviction of an offense, or where a penalty or fine has been  
4 invoked, for violation of chapter 147, chapter 203, chapter 203A,  
5 [chapter 204] *senate file 1, Acts of the Sixty-fourth General Assembly,*  
6 *First Session*, or the federal food, drug and cosmetic Act. A plea or  
7 verdict of guilty, or a conviction following a plea of *nolo contendere*,  
8 is deemed to be a conviction within the meaning of this section.

1 SEC. 3. Section one hundred fifty-five point thirty (155.30), Code  
2 1971, is amended as follows:

3 **155.30 Penalties.** Any person who sells or offers for sale, gives  
4 away, or administers to another person any prescription drug shall  
5 be deemed guilty of violating the provisions of this section or [any  
6 person] who violates any provisions of section 155.29 [and upon con-  
7 viction thereof,] *is guilty of a public offense.*

8 *If the prescription drug is a controlled substance as defined in sen-*  
9 *ate file 1, section 101, subsection 6, Acts of the Sixty-fourth General*  
10 *Assembly, First Session, the person shall be punished pursuant to sec-*  
11 *tions 401, subsection 1, and 411 thereof. If the prescription drug is*  
12 *not a controlled substance, the person shall upon conviction of a first*  
13 *offense [shall] be fined not more than one thousand dollars or be im-*  
14 *prisoned in the county jail for not more than one year, or both. For*  
15 *a second offense, or if in case of a first conviction of violation of any*  
16 *provision of section 155.29 or of violation of any provision of this sec-*  
17 *tion, the offender shall previously have been convicted of any violation*  
18 *of the laws of the United States or of any state, territory, or district*  
19 *thereof relating to prescription drugs, the offender upon conviction*  
20 *shall be fined not more than two thousand dollars and be imprisoned*  
21 *in the state penitentiary not less than two or more than five years.*  
22 *For a third or subsequent offense in violation of this section or in vio-*  
23 *lation of section 155.29, or if the offender shall previously have been*  
24 *convicted two or more times in the aggregate of any violation of the*  
25 *laws of the United States or of any state, territory, or district there-*  
26 *of relating to prescription drugs, the offender upon conviction shall*  
27 *be fined not more than five thousand dollars and be imprisoned in the*  
28 *state penitentiary not less than five or more than ten years.*

29 Any person violating any provision of this chapter by selling, giv-  
30 ing away, or administering any prescription drug to a minor shall  
31 upon conviction thereof be punished by imprisonment in the state  
32 penitentiary for not less than five or more than twenty years.

33 Nothing in this section shall be construed to prevent a licensed prac-  
34 titioner of medicine, dentistry, nursing, veterinary medicine, or phar-  
35 macy from such acts necessary in the ethical and legal performance  
36 of his profession.

1 SEC. 4. Section one hundred fifty-five point thirty-four (155.34),  
2 Code 1971, is amended as follows:

3 **155.34 Refills limited.** No prescription for any prescription drug

4 *which is not a controlled substance as defined in senate file 1, section*  
 5 *101, subsection 6, Acts of the Sixty-fourth General Assembly, First*  
 6 *Session, shall be filled or refilled more than one year after the date on*  
 7 *which the prescription was issued, and no prescription which is au-*  
 8 *thorized to be refilled shall be refilled more than eleven times[, ex-*  
 9 *cept when otherwise ordered by the practitioner on the original pre-*  
 10 *scription]; provided however, no medical practitioner shall be pro-*  
 11 *hibited from issuing a new prescription for the same drug either in*  
 12 *writing or orally.*

1 SEC. 5. Section one hundred sixty-nine point thirty-six (169.36),  
 2 subsection eight (8), Code 1971, is amended as follows:

3 8. Distribution of alcohol or drugs *or controlled substances, as de-*  
 4 *defined in senate file 1, section 101, subsection 6, Acts of the Sixty-*  
 5 *fourth General Assembly, First Session, for any other than legitimate*  
 6 *purposes.*

1 SEC. 6. Section two hundred three point one (203.1), Code 1971,  
 2 is amended as follows:

3 203.1 **Defined.** For the purposes of this chapter "drug" shall in-  
 4 clude all substances and preparations for internal or external use rec-  
 5 ognized in the United States Pharmacopoeia or National Formulary  
 6 and any substances or mixture of substances intended to be used for  
 7 the *diagnosis*, cure, mitigation, or prevention of diseases of either man  
 8 or animal.

1 SEC. 7. Section two hundred three A point ten (203A.10), Code  
 2 1971, is amended by striking subsection thirteen (13).

1 SEC. 8. Section two hundred twenty-four A point one (224A.1),  
 2 subsection three (3), is amended as follows:

3 3. "Drug" means a [narcotic drug] *controlled substance* as defined  
 4 in [section 204.1, subsection 10, and a depressant or stimulant drug  
 5 as defined in section 204A.1, subsection 6] *senate file 1, section 101,*  
 6 *subsection 6, Acts of the Sixty-fourth General Assembly, First Ses-*  
 7 *sion. For the purpose of this chapter the provisions hereof shall be*  
 8 *applicable to the treatment and rehabilitation of those who are users*  
 9 *of glue by means of inhalation, commonly known as "glue sniffing".*

1 SEC. 9. Section two hundred forty-seven point twenty (247.20),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 The trial court before which any person has been convicted of any  
 4 crime, except for treason, murder, or violation of [law concerning the  
 5 manufacturing, selling, administering to another person, or dispens-  
 6 ing a narcotic drug] *senate file 1, section 401, subsection 1 or 2, Acts of*  
 7 *the Sixty-fourth General Assembly, First Session, to which section 409,*  
 8 *subsection 2 thereof is not applicable and which is not proven to be an*  
 9 *accommodation offense under section 410 thereof, may by record entry*  
 10 *at time of or after sentence is pronounced but before imprisonment,*  
 11 *suspend the sentence and grant probation to said person during good*  
 12 *behavior. The said court shall have authority by record entry to*  
 13 *withhold execution of any judgment or sentence for such time as shall*  
 14 *be reasonably necessary for an investigation with respect to suspen-*  
 15 *sion of sentence and probation. The investigation shall be made by*

16 a probation officer, by the agency in charge of parole agents, or by  
17 another appropriate agency, as determined by the court.

1 SEC. 10. Section two hundred seventy-nine point nine (279.9),  
2 Code 1971, is amended as follows:

3 **279.9 Use of tobacco.** Such rules shall prohibit the use of tobacco  
4 [and other narcotics in any form] *or any controlled substance as de-*  
5 *defined in senate file 1, section 101, subsection 6, Acts of the Sixty-fourth*  
6 *General Assembly, First Session, by any student of such schools and*  
7 *the board may suspend or expel any student for any violation of such*  
8 *rule.*

1 SEC. 11. Section three hundred twenty-one point two hundred  
2 eighty-one (321.281), unnumbered paragraph two (2), Code 1971, is  
3 amended as follows:

4 In lieu of, or prior to the imposition of, the punishment above de-  
5 scribed for second offense, third offense and each offense thereafter,  
6 the court upon hearing may commit the defendant for treatment of  
7 alcoholism *or drug addiction or dependency* to any hospital or institu-  
8 tion in Iowa providing such treatment. The court may prescribe the  
9 length of time for such treatment or it may [be left to the discretion  
10 of] *request that the hospital to which the person is committed imme-*  
11 *diately report to the court when the person has received maximum*  
12 *benefit from the program of the hospital or institution or has recov-*  
13 *ered from his addiction, dependency or tendency to chronically abuse*  
14 *alcohol or drugs.* A person committed under this section shall be con-  
15 sidered a state patient.

1 SEC. 12. Section three hundred sixty-eight point seven (368.7),  
2 subsection nine (9), Code 1971, is amended as follows:

3 **9. Gambling houses.** Gambling houses, bawdy houses, disorderly  
4 houses, houses of ill-fame, roadhouses where lewdness is carried on,  
5 [opium or hop joints or] places resorted to [for the use of opium or  
6 hasheesh] *by persons using controlled substances, as defined in senate*  
7 *file 1, section 101, subsection 6, Acts of the Sixty-fourth General As-*  
8 *sembly, First Session, in violation of law, and places where intoxicat-*  
9 *ing liquor is illegally kept, sold, or given away, and to punish the*  
10 *keepers and inmates thereof, and persons resorting thereto, and per-*  
11 *sons who, knowing the character or reputation of such places, trans-*  
12 *port others to or from any of the above described places.*

1 SEC. 13. Section six hundred fifty-seven point two (657.2), sub-  
2 section six (6), Code 1971, is amended as follows:

3 6. Houses of ill fame, kept for the purpose of prostitution and lewd-  
4 ness, gambling houses, or [houses] *places* resorted to [for the use of  
5 opium or hasheesh] *by persons using controlled substances, as defined*  
6 *in senate file 1, section 101, subsection 6, Acts of the Sixty-fourth*  
7 *General Assembly, First Session, in violation of law, or houses where*  
8 *drunkenness, quarreling, fighting, or breaches of the peace are carried*  
9 *on or permitted to the disturbance of others.*

1 SEC. 14. Section seven hundred thirty-two point eight (732.8),  
2 Code 1971, is amended as follows:

3 **732.8 Depositing samples on porches.** It shall be unlawful for any  
4 person, firm, company, or corporation, either in person or by agent, to

5 deposit any sample of drugs or medicine or any controlled substance,  
6 as defined in senate file 1, section 101, subsection 6, Acts of the Sixty-  
7 fourth General Assembly, First Session, upon any porch, lawns, in any  
8 vehicle, or any other place where such drugs or medicine or controlled  
9 substances might be picked up by children or other persons.

1 SEC. 15. Section seven hundred forty-five point fifteen (745.15),  
2 Code 1971, is amended as follows:

3 745.15 **Aiding escapes—bringing liquor or drugs to inmates.** Any  
4 person not authorized by law, who shall bring or pass or cause to be  
5 brought into any county jail, city jail, or other place where persons  
6 may be committed or detained pursuant to law, or any institution  
7 under the management of the [board of control of state institutions]  
8 department of social services, or onto the grounds of any such insti-  
9 tution, or into any enclosure, building, camp, quarry, farm, garden, or  
10 other place used in connection with any such institution in which  
11 prisoners, patients, or inmates are required or permitted to be, any  
12 [opium, morphine, cocaine, amphetamine or any of its derivatives, or  
13 other narcotics] controlled substance, as defined in senate file 1, sec-  
14 tion 101, subsection 6, Acts of the Sixty-fourth General Assembly, First  
15 Session, or any intoxicating liquor, or any firearm, weapon, or explo-  
16 sive of any kind, or any rope, ladder, or other instrument or device  
17 for use in making or attempting an escape, or shall in any manner aid  
18 in such an escape, or who, knowing of such escape, shall conceal such  
19 inmate after escape, shall be punished by fine not exceeding one thou-  
20 sand dollars, or by imprisonment in the penitentiary or reformatory  
21 for a term not exceeding five years.

1 SEC. 16. Section seven hundred forty-five point sixteen (745.16),  
2 Code 1971, is amended as follows:

3 745.16 **Placing drugs and articles near institutions.** Any person  
4 not duly authorized by law who shall place or cause to be placed or  
5 aid in placing any of the [drugs] controlled substances, liquors, weap-  
6 ons, explosives, or other articles hereinbefore enumerated in or near  
7 any road, park, path, walk, grove, hedge, or field where any prisoner,  
8 patient, or other inmate of any county jail, city jail, or other place  
9 where persons may be committed or detained pursuant to law, or any  
10 [the state institutions] institution specified in section 745.15 is, or is  
11 likely to be, with intent that the [drug] controlled substance, liquor,  
12 weapon, explosive, or other article so placed shall be found by or  
13 shall pass into the possession of any such prisoner, patient, or other  
14 inmate, shall be punished by imprisonment in the penitentiary or re-  
15 formatory for a term not exceeding five years, or by a fine of not more  
16 than one thousand dollars nor less than one hundred dollars.

1 SEC. 17. Senate File one (1), section two hundred one (201), sub-  
2 section four (4), Acts of the Sixty-fourth General Assembly, First  
3 Session, is amended as follows:

4 4. If any new substance is designated as a controlled substance  
5 under federal law and notice of the designation is given to the board,  
6 the board shall similarly designate as controlled the new substance  
7 under this Act after the expiration of thirty days from publication in  
8 the Federal Register of a final order designating a new substance as  
9 a controlled substance, unless within that thirty-day period the board

10 objects to the new designation. In that case the board shall publish  
11 the reasons for objection and afford all interested parties an oppor-  
12 tunity to be heard. At the conclusion of the hearing the board shall  
13 announce its decision [which shall be final unless altered by statute].  
14 Upon publication of objection to a new substance being designated  
15 as a controlled substance under this Act by the board, control under  
16 this Act is stayed until the board publishes its decision. If a substance  
17 is designated as controlled by the board under this paragraph the  
18 control shall be temporary and, if within sixty days after the next reg-  
19 ular session of the general assembly convenes it has not made the  
20 corresponding changes in this Act, the temporary designation of  
21 control of the substance by the board shall be nullified.

1 SEC. 18. Senate File one (1), section three hundred six (306),  
2 unnumbered paragraph one (1), Acts of the Sixty-fourth General  
3 Assembly, First Session, is amended as follows:

4 SEC. 306. **Records of registrants.** Persons registered to manu-  
5 facture, distribute, dispense, or administer controlled substances  
6 under this Act shall keep records and maintain inventories in con-  
7 formance with the record keeping and inventory requirements of  
8 federal law and with such additional rules as may be issued by the  
9 board. A practitioner who engages in dispensing any controlled sub-  
10 stance to his patients shall keep records of receipt and disbursements  
11 of such drugs, including dispensing or other disposition, and infor-  
12 mation as to controlled substances stolen, lost, or destroyed. In every  
13 such case the records of controlled substance received shall show the  
14 date of receipt, the name and address of the person from whom re-  
15 ceived, and the kind and quantity of drugs received. The record of  
16 all controlled substances dispensed or otherwise disposed of, shall  
17 show the date of dispensing, the name and address of the person to  
18 whom or for whose use, or the owner and species of animal for  
19 which[,] the drugs were dispensed and the kind and quantity of  
20 drugs *dispensed*.

1 SEC. 19. Senate File one (1), section four hundred one (401),  
2 subsection three (3), Acts of the Sixty-fourth General Assembly,  
3 First Session, is amended as follows:

4 3. It is unlawful for any person knowingly or intentionally to pos-  
5 sess a controlled substance unless such substance was obtained direct-  
6 ly from, or pursuant to, a valid prescription or order of a practitioner  
7 while acting in the course of his professional practice, or except as  
8 otherwise authorized by this Act. Any person who violates this sub-  
9 section [with respect to:]

10 [a. A substance classified in schedule I or II which is a narcotic  
11 drug, is guilty of a public offense and upon conviction shall be pun-  
12 ished by imprisonment in the penitentiary for not to exceed five years  
13 or in the county jail for not to exceed one year, or by a fine of not more  
14 than one thousand dollars, or by both such imprisonment and fine.]  
15 is guilty of a misdemeanor, and upon conviction shall be punished by  
16 imprisonment in the county jail for not to exceed one year, or by a  
17 fine of not more than one thousand dollars, or both such imprison-  
18 ment and fine. If the controlled substance is marijuana, the punish-  
19 ment shall be by imprisonment in the county jail for not more than  
20 six [(6)] months or by a fine of not more than one thousand dollars

21 [(\$1,000)], or by both such fine and imprisonment. All or any part  
 22 of a sentence imposed pursuant to this section may be suspended and  
 23 the person placed upon probation upon such terms and conditions as  
 24 the court may impose including the active participation by such per-  
 25 son in a drug treatment, rehabilitation or education program approved  
 26 by the court.

1 SEC. 20. Senate File one (1), section five hundred ten (510), un-  
 2 numbered paragraph one (1), Acts of the Sixty-fourth General Assem-  
 3 bly, First Session, is amended as follows:

4 SEC. 510. Any peace officer who arrests for any crime, any known  
 5 unlawful user of the drugs described in Schedule I, II, III[,] or IV, or  
 6 who arrests any person for a violation of this Act, or charges any  
 7 person with a violation of this Act subsequent to the person's arrest,  
 8 shall within five days after the arrest or the filing of the charge,  
 9 whichever is later, report the arrest and the charge filed to the depart-  
 10 ment. The peace officer or any other peace officer or law-enforcement  
 11 agency which makes or obtains any quantitative or qualitative analy-  
 12 sis of any substance seized in connection with the arrest of the person  
 13 charged, shall report to the department the results of the analysis at  
 14 the time the arrest is reported or at such later time as the results of  
 15 the analysis become available.

1 SEC. 21. Section eighty point twenty-seven (80.27), unnumbered  
 2 paragraph one (1), Code 1971, as amended by Senate File one (1),  
 3 Acts of the Sixty-fourth General Assembly, First Session, is amended  
 4 as follows:

5 **80.27 Drug law enforcement by department.** The state depart-  
 6 ment of public safety shall be primarily responsible for the enforce-  
 7 ment of all laws and regulations relating to any controlled substance  
 8 or counterfeit substance, except for making accountability audits of  
 9 the supply and inventory of controlled substances in the possession  
 10 of pharmacists, doctors, hospitals, [homes,] and health care facilities  
 11 as defined in section 135C.1, subsection 8 of the Code, as well as in  
 12 the possession of any and all other individuals or institutions author-  
 13 ized to have possession of any controlled substances.

1 SEC. 22. Senate File one (1), section four hundred seven (407),  
 2 Acts of the Sixty-fourth General Assembly, First Session, is amended  
 3 by adding after unnumbered paragraph two (2) the following unnum-  
 4 bered paragraph:

5 "Any person who violates this section and where the controlled sub-  
 6 stance is any one other than marijuana is guilty of a public offense  
 7 and upon conviction shall be punished by imprisonment in the peni-  
 8 tentiary for not to exceed five years or by a fine of not to exceed ten  
 9 thousand dollars or by both such imprisonment and fine."

Approved May 27, 1971.

## CHAPTER 150

## AERIAL APPLICATION OF PESTICIDES

## H. F. 39

AN ACT relating to the regulation of aerial application of pesticides and establishing damage and enforcement procedures.

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

1 SECTION 1. Section two hundred six point five (206.5), subsection one (1), Code 1971, is amended by adding the following new paragraphs:

2 "A person who applies pesticides by use of an aircraft and who is  
3 licensed as an aerial commercial applicator in another state may  
4 apply pesticides in Iowa under the direct supervision of a person  
5 holding a valid Iowa aerial commercial applicator's license. The  
6 supervising applicator shall be jointly liable with the person who  
7 is licensed as an aerial commercial applicator in another state for  
8 damages. The supervising applicator shall immediately notify the  
9 secretary of the commencement and of the termination of service  
10 provided by the supervised applicator.

11 A person licensed in another state as an aerial commercial applicator may operate independently if he acquires an aerial commercial applicator license from the secretary and posts bond in amount to be determined by the secretary, and registers with the Iowa aeronautics commission. Such person shall be liable for damages."

1 SEC. 2. Chapter two hundred six (206), Code 1971, is amended by adding the following new section:

2 Any person aggrieved as a result of application of pesticides by use of an aircraft may file:

3 (a) Notice of crop damage with the secretary before one-half of the damaged crop is harvested and within sixty days after the alleged damage is detected; and

4 (b) Notice of damage to agricultural livestock or the products therefrom within two years after the alleged damage is detected.

5 Failure to give notice shall not preclude recovery in an action for damages and shall not affect the limitations of actions set forth in chapter six hundred fourteen (614) of the Code. Nothing herein shall prohibit an action for damages for bodily injury or death to any person. Upon receipt of a notice as herein provided, the secretary shall appoint a three-member claim investigation committee as follows:

6 1. One member shall be appointed from a list of persons trained and experienced in the use and effects of pesticides as recommended by the dean of the college of agriculture at Iowa state university of science and technology.

7 2. One member shall be appointed from a list of experienced, licensed aerial commercial applicators as recommended by the Iowa aeronautics commission.

8 3. One member shall be a person experienced in adjusting crop losses.

9 The claim investigation committee shall conduct its investigation of such claim under the direction of the secretary and report its find-

28 ings to him. Such report shall be admissible as evidence in any court  
 29 in this state. If the claimant is successful and is awarded damages,  
 30 the aerial applicator shall pay the expenses of the investigation com-  
 31 mittee as determined by the secretary. If the claimant is unsuccess-  
 32 ful, he shall pay the expenses of the claim investigation committee as  
 33 determined by the secretary.

Approved May 17, 1971.

## CHAPTER 151

### CHEMICAL TECHNOLOGY REVIEW BOARD

S. F. 326

AN ACT relating to the authority of the chemical technology review board.

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

1 SECTION 1. Section two hundred six A point two (206A.2), un-  
 2 numbered paragraph one (1), Code 1971, is amended as follows:

3 The chemical technology review board shall collect, analyze, and  
 4 interpret information relating to agricultural chemicals and their use.  
 5 The board shall coordinate the regulation and information responsi-  
 6 bilities of state agencies on matters relating to the sale and use of  
 7 agricultural chemicals. It shall adopt rules relating to the sale, use  
 8 and disuse of agricultural chemicals *and may, by rule, restrict or*  
 9 *prohibit the sale, distribution, or use of any agricultural chemical.*  
 10 *In determining whether to restrict or prohibit the sale, distribution,*  
 11 *or use of any agricultural chemical, the board shall consider any offi-*  
 12 *cial reports, academic studies, expert opinions or testimony, or other*  
 13 *matter deemed to have probative value. Any such evidence shall be*  
 14 *received at a public hearing held for such purpose.* The board shall  
 15 consider the toxicity, hazard, effectiveness and public need for the  
 16 agricultural chemicals, and the availability of less toxic or less haz-  
 17 ardous agricultural chemicals and substances or other means of con-  
 18 trol. The rules promulgated by the board shall be subject to the  
 19 provisions of chapter 17A.

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 Albia  
 3 Union-Republican, a newspaper published in Albia, Iowa, and in The  
 4 Knoxville Journal, a newspaper published in Knoxville, Iowa.

Approved May 20, 1971.

I hereby certify that the foregoing Act, Senate File 326, was published in The Albia Union-Republican, Albia, Iowa, May 27, 1971, and in The Knoxville Journal, Knoxville, Iowa, May 25, 1971.

MELVIN D. SYNHORST, *Secretary of State.*



## CHAPTER 152

## STATE MENTAL AID FUND

S. F. 560

AN ACT relating to state aid for the mentally ill and mentally retarded.

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

- 1 SECTION 1. Section two hundred twenty-seven point seventeen  
 2 (227.17), Code 1971, is amended as follows:  
 3 227.17 State mental aid fund. There is hereby created as a perma-  
 4 nent fund in the office of the treasurer of state a fund to be known as  
 5 the state mental aid fund, and for the purpose of establishing and  
 6 maintaining said fund for each fiscal year beginning July 1, 1949, there  
 7 is appropriated thereto from funds in the general fund, not otherwise  
 8 appropriated, the sum of one million *seventy-five thousand* dollars.  
 9 Any balance in said fund on June 30 of the second fiscal year shall  
 10 revert to the general fund.

Approved June 19, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 153

## COMMISSION OF HOSPITALIZATION

S. F. 155

AN ACT relating to findings of the commission of hospitalization.

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

- 1 SECTION 1. Section two hundred twenty-nine point nine (229.9),  
 2 Code 1971, is amended as follows:  
 3 229.9 Findings and order—screening center. If the commission  
 4 finds from the evidence that [said person is mentally ill and a fit  
 5 subject for custody and treatment in the state hospital] *it would be*  
 6 *in the best interests of the person to be examined at a state mental*  
 7 *health institute*, it shall order [first] his observation and treatment  
 8 at the screening center located at the hospital in the district nearest  
 9 to the county in which the hearing is conducted. *No finding that the*  
 10 *person is mentally ill* and no order of commitment shall issue [until]  
 11 *unless* the superintendent of the hospital at which said screening  
 12 center is located [shall find and recommend that such order should be  
 13 issued and, in the event that such] *so recommends*. *If a recommen-*  
 14 *dation of commitment is made, the commission [shall order] may*  
 15 *order upon hearing pursuant to sections 229.2, 229.3, 229.4 and 229.5*  
 16 *[his] the person's* commitment to the hospital in the district in which  
 17 the county is situated or upon authorization by the county board of  
 18 supervisors, the commission may order commitment and treatment  
 19 to a local hospital instead of a state hospital; and in connection with  
 20 such finding and order shall determine and enter of record the county  
 21 which is the legal settlement of such person. If such settlement is  
 22 unknown the record shall show such fact.  
 23 No person shall be ordered [committed or delivered] to a state  
 24 hospital *for observation and treatment* until the commission has first

25 communicated with the superintendent of said hospital, and has been  
 26 advised that adequate facilities are available. A person ordered to  
 27 screening center for observation and treatment shall have the same  
 28 right to appeal from the order as from the order of commitment  
 29 finding him mentally ill as provided in sections 229.17 to 229.19,  
 30 inclusive.

Approved May 7, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

### CHAPTER 154†

#### PROBATION OFFICERS

S. F. 204

AN ACT relating to board of supervisor approval of the salaries for the staff of probation offices.

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

1 SECTION 1. Section two hundred thirty-one point eight (231.8),  
 2 unnumbered paragraph four (4), Code 1971, is amended as follows:  
 3 "Such secretarial and clerical help as may be needed in the admin-  
 4 istration of any probation office may be appointed by the judge or  
 5 judges of the juvenile court who may fix their salaries, subject to the  
 6 approval of the board of supervisors, at not more than forty percent  
 7 of the salary of a district court judge."

Approved April 1, 1971.

†See Editor's note, page iii.

### CHAPTER 155

#### AID TO DEPENDENT CHILDREN

H. F. 278

AN ACT relating to eligibility requirements for aid to dependent children.

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

1 SECTION 1. Section two hundred thirty-nine point two (239.2),  
 2 subsection one (1), Code 1971, is amended as follows:  
 3 1. Is living in a suitable family home maintained by one or more  
 4 of the persons referred to in subsection 3 of section 239.1, or has  
 5 been placed in a foster home or with a public nonprofit agency re-  
 6 ferred to in such subsection *under a plan of care including services*  
 7 *designated to improve the conditions of the home from which the*  
 8 *child was removed or to otherwise make possible his being placed in*  
 9 *the suitable home of a relative referred to in subsection 3 of section*  
 10 *239.1, if the placement resulted from judicial proceedings initiated*  
 11 *[in or for] during a month in or for which [such] the child: [was re-*  
 12 *ceiving aid to dependent children's assistance and provided the plan*  
 13 *of care includes services designated to improve the conditions of*  
 14 *the home from which he was removed.]*

- 15 *a. Was in fact receiving assistance under this chapter; or*  
 16 *b. Would have received assistance under this chapter if application*  
 17 *had been made therefor; or*  
 18 *c. Had within six months prior to the month in which the proceed-*  
 19 *ings were initiated been living with a relative referred to in subsec-*  
 20 *tion 3 of section 239.1, and would have received assistance under this*  
 21 *chapter in and for the month in which the proceedings were begun if*  
 22 *he had continued to live with that relative and application had been*  
 23 *made therefor.*

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  
 3 Sigourney News-Review, a newspaper published in Sigourney, Iowa,  
 4 and in the Bettendorf News, a newspaper published in Bettendorf,  
 5 Iowa.

Approved May 5, 1971.

I hereby certify that the foregoing Act, House File 278, was published in The Sigourney News-Review, Sigourney, Iowa, May 12, 1971, and in the Bettendorf News, Bettendorf, Iowa, May 13, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 156

### SECURITY MEDICAL FACILITY

S. F. 345

AN ACT to provide protection for the institutional officers of the Iowa security medical facility.

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

- 1 SECTION 1. Section two hundred forty-six point sixteen (246.16),  
 2 Code 1971, is amended as follows:  
 3 **246.16 Transfer of mentally ill.** When the said state director has  
 4 cause to believe that a prisoner in the penitentiary or reformatory  
 5 is mentally ill, the department may cause such prisoner to be trans-  
 6 ferred to the Iowa security medical facility for examination, diagno-  
 7 sis, or treatment. The prisoner shall be confined at such institution  
 8 or a state hospital for the mentally ill until the expiration of his sen-  
 9 tence or until he is pronounced in good mental health. If the pris-  
 10 oner is pronounced in good mental health before the expiration of his  
 11 sentence, he shall be returned to the penitentiary or reformatory until  
 12 the expiration of his sentence. *The provisions of the Code applicable*  
 13 *to an inmate at the correctional institution from which transferred*  
 14 *shall remain applicable during the inmate's stay at the Iowa security*  
 15 *medical facility. However, sections 246.32 and 246.33 shall apply to*  
 16 *the total inmate population, including both convicts and patients.*

Approved May 24, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

CHAPTER 157†  
WELFARE RECIPIENTS

H. F. 15

AN ACT relating to eligibility of welfare recipients.

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

1 SECTION 1. Section two hundred forty-nine point nine (249.9),  
2 subsection five (5), Code 1971, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 5. Life insurance having a cash surrender value not in excess of  
5 one thousand dollars for a single person or two thousand dollars if  
6 married and not separated from the spouse; however, if the face value  
7 of such insurance does not exceed the amounts herein specified for a  
8 single and a married person, its cash surrender value need not be  
9 determined for eligibility purposes.

1 SEC. 2. Section two hundred forty-nine A point three (249A.3),  
2 subsection two (2) and subsection four (4), Code 1971, are amended  
3 as follows:

4 2. Medical assistance may also, within the limits of available funds  
5 and in accordance with section 249A.4, subsections 1 and 2 be provided  
6 to, or on behalf of, other individuals and families who are not excluded  
7 under subsection 4 of this section and whose incomes and resources  
8 are insufficient to meet the cost of necessary medical care and services,  
9 and who have no spouse or parent responsible under the law of this  
10 state and found by the county board to be able to provide him or them  
11 with such necessary medical care and services, in accordance with the  
12 following order of priorities:

13 a. Individuals and families whose incomes and resources are such  
14 that they are eligible for old-age assistance, aid to dependent children,  
15 aid to the disabled, or aid to the blind, but who are not actually receiv-  
16 ing such public assistance.

17 b. Individuals and families who are ineligible under paragraph "a"  
18 solely because of their incomes and resources, but who would other-  
19 wise be eligible under paragraph "a".

20 c. Children under twenty-one years of age whose incomes and  
21 resources are comparable to those receiving aid to dependent children.

22 d. Individuals sixty-five years of age or older who are patients in  
23 institutions for mental diseases.

24 e. Individuals and families whose incomes and resources make them  
25 ineligible for old-age assistance, aid to dependent children, aid to the  
26 disabled, or aid to the blind.

27 4. No assistance shall be granted under this chapter to:

28 a. Any individual whose income, after deduction of health care  
29 expenses incurred by the applicant, exceeds one thousand six hundred  
30 dollars annually, or any family living together whose combined income,  
31 after deduction of health care expenses incurred by the family, ex-  
32 ceeds one thousand six hundred dollars for the first adult member  
33 plus eight hundred dollars for the second member and six hundred  
34 dollars for each additional member of the family. Income shall not

†See Editor's note, page iii.

35 include the value of gifts or services contributed in kind to the indi-  
36 vidual or family.

37 b. Any individual whose resources, after deduction of health care  
38 expenses incurred by the applicant, exceeds two thousand dollars, or  
39 any family living together whose combined resources exceed two  
40 thousand dollars for the first member, one thousand dollars for the  
41 second member, plus two hundred dollars for each additional member.  
42 The value of resources shall be the current market value minus any  
43 encumbrances against such resource or resources. In determining  
44 the foregoing, the following resources shall be excluded: Real prop-  
45 erty occupied as a residence; household goods and furnishings, an auto-  
46 mobile, personal effects and tools necessary for the pursuit of a trade,  
47 occupation or profession of a market value not to exceed six thousand  
48 dollars and the cash surrender value of life insurance not to exceed  
49 one thousand dollars, however, if the face value of such individual's  
50 life insurance does not exceed one thousand dollars, it shall be ex-  
51 cluded without necessity for determining its cash surrender value.

Approved April 1, 1971.

## CHAPTER 158

### LOCAL BUDGET PREPARATION

#### H. F. 317

AN ACT relating to supervision of local budget preparation.

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

1 SECTION 1. Section two hundred fifty-seven point eighteen  
2 (257.18), subsection eleven (11), Code 1971, is amended as follows:

3 11. Prepare for the approval of the state board, such forms and  
4 procedures as are deemed necessary to be used by county boards,  
5 district boards, school officials, principals, teachers, and other em-  
6 ployees, and to insure uniformity, accuracy, and efficiency in keeping  
7 records in both pupil and cost accounting, the execution of contracts,  
8 [the preparation of budgets,] and the submission of reports; furnish,  
9 when deemed advisable by him and approved by the state board, those  
10 forms which can more economically and efficiently be provided in that  
11 manner; and notify the county board, or district board, or school  
12 authorities, in any case when any report has not been filed in the  
13 manner or on the dates prescribed by law or by regulation of the  
14 state board that the school be not approved until the report has been  
15 properly filed.

1 SEC. 2. Section eight point six (8.6), subsection four (4), Code  
2 1971, is amended by adding the following new paragraph:

3 "To insure uniformity, accuracy, and efficiency in the preparation  
4 of budget estimates by municipalities subject to chapter twenty-four  
5 (24) of the Code, the comptroller shall prescribe the procedures to  
6 be used and instruct the appropriate officials of the various municipal-  
7 ities on implementation of the procedures."

Approved June 30, 1971.

## CHAPTER 159

## SALARY OF SUPERINTENDENT OF PUBLIC INSTRUCTION

S. F. 583

AN ACT to establish the salary rate for the superintendent of the department of public instruction.

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

1 SECTION 1. The salary of the superintendent of public instruction  
2 for each year of the fiscal biennium commencing July 1, 1971 and end-  
3 ing June 30, 1973 shall be paid from funds appropriated to the de-  
4 partment of public instruction and shall be at the rate of twenty-six  
5 thousand (26,000) dollars for the 1971-72 fiscal year, and twenty-six  
6 thousand (26,000) dollars for the 1972-73 fiscal year.

Approved June 30, 1971.

## CHAPTER 160

## BOARD OF REGENTS CONTROL OF VEHICLES

S. F. 120

AN ACT relating to the control of vehicles at institutions under the jurisdiction of the state board of regents.

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

1 SECTION 1. Chapter two hundred sixty-two (262), Code 1971,  
2 is amended by adding the following new section:  
3 "The state board of regents may make such rules as it deems neces-  
4 sary and proper to provide for the policing, control, and regulation of  
5 traffic and parking of vehicles on the property of any institution  
6 under its control. The rules may provide for the use of institutional  
7 roads, driveways, and grounds, registration of vehicles, the designa-  
8 tion of parking areas, the erection and maintenance of signs desig-  
9 nating prohibitions or restrictions, the installation and maintenance  
10 of parking control devices, and assessment, enforcement, and collection  
11 of reasonable sanctions for the violation of the rules.  
12 Any rules made pursuant to this section may be enforced under  
13 procedures adopted by the board for each institution under its control.  
14 Sanctions may be imposed upon students, faculty and staff for vio-  
15 lation of the rules, including, but not limited to, a reasonable mone-  
16 tary sanction which may be deducted from student deposits and fac-  
17 ulty or staff salaries or other funds in the possession of the institu-  
18 tion, or added to student tuition bills. The rules made pursuant to  
19 this section may also be enforced by the impoundment of vehicles  
20 parked in violation of the rules, and a reasonable fee may be charged  
21 for the cost of impoundment and storage, prior to the release of the  
22 vehicles to their owners. Each institution under the control of the  
23 board shall establish procedures for the determination of controver-  
24 sies in connection with imposition of sanctions. The procedures shall  
25 require giving notice of the violation and the sanction involved and  
26 provide an opportunity for an administrative hearing. Appeal of the

27 administrative ruling may be heard de novo by the district court. The  
 28 rules promulgated under this section shall be subject to chapter seven-  
 29 teen A (17A) of the Code."

Approved April 29, 1971.

## CHAPTER 161

### BOARD OF REGENTS BUILDINGS AND FACILITIES

#### S. F. 122

AN ACT relating to academic and administrative buildings and facilities and utilities services for such buildings and facilities and the financing by the state board of regents.

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

1 SECTION 1. Section two hundred sixty-two A point twelve  
 2 (262A.12), Code 1971, is amended as follows:  
 3 **262A.12 Application for gifts, loans or grants.** The state board of  
 4 regents is authorized to apply for and accept federal or nonfederal  
 5 gifts, loans, or grants of funds and to use the same to pay all or any  
 6 part of the cost of carrying out any project at any institution under  
 7 the terms of this chapter [or to pay any bonds and interest thereon  
 8 issued for any purposes specified in this chapter] *or to use the same,*  
 9 *together with student fees and charges and institutional income, for*  
 10 *the payment of debt service on bonds issued and to be issued by the*  
 11 *board pursuant to authority contained in this chapter, in such manner*  
 12 *as may be provided in the resolution authorizing the issuance of the*  
 13 *bonds, which grants of funds or other aid shall be considered to con-*  
 14 *stitute and may be commingled with student fees and charges and*  
 15 *institutional income and may, together with such student fees and*  
 16 *charges and institutional income, be pledged by the board in accord-*  
 17 *ance with the provisions of this chapter and the bond resolution to*  
 18 *the payment of debt service on bonds issued by the board under the*  
 19 *authority contained in this chapter.*

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  
 3 Record, a newspaper published in Cedar Falls, Iowa, and in The  
 4 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved April 15, 1971.

I hereby certify that the foregoing Act, Senate File 122, was published in The Record, Cedar Falls, Iowa, April 21, 1971, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, April 20, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 162†

## STATE ENTOMOLOGIST

H. F. 22

AN ACT relating to the state entomologist.

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

1 SECTION 1. Section two hundred sixty-seven point three (267.3),  
 2 Code 1971, is amended as follows:  
 3 267.3 State entomologist. There is hereby created and established  
 4 within the department of agriculture the office of state entomologist.  
 5 The entomologist of the Iowa agricultural experiment station is here-  
 6 by constituted the state entomologist who is the executive officer of  
 7 this chapter. The state entomologist shall be responsible to and under  
 8 the authority of the secretary of agriculture in the issuance of all  
 9 rules, regulations, the establishment of quarantines and other official  
 10 acts. He shall be provided with suitable office space.

Approved February 19, 1971.

†See Editor's note, page iii.

## CHAPTER 163

## DISPOSAL OF PUBLIC INTEREST IN PROPERTY

H. F. 37

AN ACT authorizing a public agency to dispose of an interest in property.

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

1 SECTION 1. Section two hundred seventy-eight point one (278.1),  
 2 subsection two (2), Code 1971, is amended as follows:  
 3 2. Direct the sale, lease, or other disposition of any schoolhouse or  
 4 site or other property belonging to the corporation, and the applica-  
 5 tion to be made of the proceeds thereof, provided, however, that  
 6 nothing herein shall be construed to prevent the sale, [or lease,]  
 7 lease, exchange, gift, or grant and acceptance of any interest in [of]  
 8 real or other property by the board of directors without an election  
 9 to the extent authorized in section 297.22.

1 SEC. 2. Section two hundred ninety-seven point twenty-two  
 2 (297.22), Code 1971, is amended by adding the following new para-  
 3 graph:  
 4 *The board of directors of any school corporation may sell, lease,*  
 5 *exchange, give or grant and accept any interest in real property to,*  
 6 *with or from any county, municipal corporation, school district or*  
 7 *township if the real property is within the jurisdiction of both the*  
 8 *grantor and grantee. The provisions of sections two hundred ninety-*  
 9 *seven point fifteen (297.15) to two hundred ninety-seven point*  
 10 *twenty (297.20), inclusive, sections two hundred ninety-seven point*  
 11 *twenty-three (297.23) and two hundred ninety-seven point twenty-*  
 12 *four (297.24) of the Code, and the property value limitations and*



13 *appraisal requirements of this section shall not apply to any such*  
 14 *transaction between the aforesaid local units of government.*

1 SEC. 3. Section three hundred thirty-two point three (332.3),  
 2 subsection seventeen (17), Code 1971, is amended as follows:  
 3 [To lease or sell real estate owned by the county and not needed  
 4 for county purposes.] *To sell, lease, exchange, give or grant and*  
 5 *accept any interest in real property to, with or from any township,*  
 6 *municipal corporation or school district if the real property is within*  
 7 *the jurisdiction of both the grantor and grantee. State agencies and*  
 8 *the county board of supervisors having jurisdiction and control over*  
 9 *state and county-owned land and buildings, which land and buildings*  
 10 *may be affected by a federal water resources project, may grant, sell,*  
 11 *exchange or convey to the United States of America the perpetual*  
 12 *right, privilege and easement to overflow, flood and submerge such*  
 13 *lands and buildings.*

1 SEC. 4. Section three hundred sixty point nine (360.9), Code 1971,  
 2 is amended by adding the following new paragraph:  
 3 *Subject to the right of reversion to the present owner as above*  
 4 *provided, the township trustees may sell, lease, exchange, give or*  
 5 *grant and accept any interest in real property to, with or from any*  
 6 *county, municipal corporation or school district if the real property*  
 7 *is within the jurisdiction of both the grantor and grantee and the*  
 8 *advertising and public auction requirements of this section shall not*  
 9 *apply to any such transaction between the aforesaid local units of*  
 10 *government.*

1 SEC. 5. Section three hundred sixty-eight point thirty-nine  
 2 (368.39), Code 1971, is amended as follows:  
 3 They shall have power to dispose of the title or interest of such  
 4 corporation in any real estate, or any lien thereon, or sheriff's cer-  
 5 tificate therefor, owned or held by it, including any street or portion  
 6 thereof vacated or discontinued, however acquired or held, in such  
 7 manner and upon such terms as the council shall direct. In addition,  
 8 any city or town may donate real estate to the state for public pur-  
 9 poses. *Any city or town may sell, lease, exchange, give or grant and*  
 10 *accept any interest in real estate, to, with or from any county, town-*  
 11 *ship or school district if the real property is within the jurisdiction*  
 12 *of both the grantor and grantee. However, where exercise of said*  
 13 *power deprives or restricts the abutting property owners from free*  
 14 *access to their property, so as to decrease the value thereof, the cor-*  
 15 *poration shall be liable in damages therefor. Notice of any proposal*  
 16 *to dispose of real property under the provisions of this section shall*  
 17 *be given by publication, once each week for two consecutive weeks in*  
 18 *the manner provided by section 618.14. The last of said publications*  
 19 *shall appear not less than ten days before the meeting of the council*  
 20 *at which said proposal is to be acted on.*

Approved May 7, 1971.

## CHAPTER 164

## COMMUNITY COLLEGES STUDENT FEES

S. F. 444

AN ACT relating to student fees at merged area community colleges and vocational schools.

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

1 SECTION 1. Section two hundred eighty A point eighteen  
2 (280A.18), Code 1971, is amended by adding the following new sub-  
3 section:

4 "Student fees collected from students for activities, laboratory  
5 breakage, instructional materials, and other objects and purposes for  
6 which student fees other than tuition are customarily charged by  
7 colleges and universities, as provided in a schedule of fees adopted by  
8 the area board of directors. The expenditure of funds collected from  
9 students for activities shall be determined by the student government  
10 unit with administrative and board approval.

11 After June 30, 1971, any increases in student fees for activities  
12 shall be determined by the student government unit with administra-  
13 tive and board approval."

Approved June 7, 1971.

## CHAPTER 165

## FINANCING GOVERNMENTAL PROGRAMS

H. F. 654

AN ACT relating to financing of governmental programs by providing state aid to schools, school district property taxes, imposing a school district income tax including administration by the director of revenue and adoption of administrative provisions for the state individual income tax including penalties and interest, relating to the state individual and corporate income tax, relating to sales and use tax exemptions, providing property tax relief for the elderly and totally disabled, relating to the taxation of municipal interstate toll bridges, and providing aid to cities, towns, and counties.

*Be It Enacted by the General Asssembly of the State of Iowa:*

## DIVISION I

1 SECTION 1. **State school foundation program.** This division estab-  
2 lishes a state school foundation program. For the school year begin-  
3 ning July 1, 1972, and each succeeding school year, each school district  
4 in the state is entitled to receive state school foundation aid, which  
5 shall be an amount per pupil in fall enrollment equal to the difference  
6 between the amount per pupil in fall enrollment of foundation prop-  
7 erty tax plus miscellaneous income in the district, and the state foun-  
8 dation base or the district cost per pupil, whichever is less. However,  
9 if the amount so determined for any district is less than two hundred  
10 dollars per pupil in fall enrollment, the district is entitled to receive  
11 not less than two hundred dollars per pupil in fall enrollment except  
12 when a district's total general fund millage rate for the school year  
13 beginning July 1, 1972, or any succeeding school year, is reduced to

14 ninety percent of the district's total general fund millage rate for the  
 15 school year beginning July 1, 1970. In this case the district is en-  
 16 titled to receive only that portion of the two hundred dollars per pupil  
 17 necessary to retain that ten percent reduction.

1     **SEC. 2. Foundation property tax.** Each school district shall cause  
 2 to be levied each year beginning in 1972, for the school general fund,  
 3 a foundation property tax of twenty mills per dollar of assessed valu-  
 4 ation on all taxable property in the district. For the purpose of this  
 5 division, a school district is defined as a school corporation organized  
 6 under chapter two hundred seventy-four (274) of the Code. Each  
 7 county auditor shall certify to each school district within the county  
 8 and to the state comptroller, not later than October first each year,  
 9 the assessed valuation of taxable property for the current year in each  
 10 school district within the county.

1     **SEC. 3. State foundation base.** The state foundation base for the  
 2 school year beginning July 1, 1972, is seventy percent of the state  
 3 cost per pupil. For each succeeding school year the state foundation  
 4 base shall be increased by the amount of one percent of the state cost  
 5 per pupil, up to a maximum of eighty percent of the state cost per  
 6 pupil. The district foundation base is the larger of the state founda-  
 7 tion base or the amount per pupil in fall enrollment which the dis-  
 8 trict will receive from foundation property tax, miscellaneous in-  
 9 come, and state school foundation aid.

1     **SEC. 4. Fall enrollment.** Fall enrollment shall be determined by  
 2 adding the resident pupils who are enrolled on the second Friday of  
 3 September of each year in public elementary and secondary schools  
 4 of the district, and in special education classes for which tuition is  
 5 paid by the district whether the special education class is conducted  
 6 by a county board of education or another school district.  
 7 Shared-time and part-time pupils of school age shall be counted in  
 8 the proportion that the time for which they are enrolled or receive  
 9 instruction for the school year bears to the time that full-time pupils  
 10 carrying a normal course schedule, at the same grade level, in the  
 11 same school district, for the same school year, are enrolled and re-  
 12 ceive instruction.  
 13 Each school district shall certify its fall enrollment to the state  
 14 department of public instruction by September twenty-fifth of each  
 15 year, and the information shall be promptly forwarded to the state  
 16 comptroller.

1     **SEC. 5. Miscellaneous income.** Miscellaneous income is all revenues  
 2 of a school district general fund budget, exclusive of federal aid pro-  
 3 vided under title twenty (20), chapter thirteen (13), of the United  
 4 States Code, the foundation property tax, the state school foundation  
 5 aid, guaranteed state aid, the additional school district property tax  
 6 levy, any supplemental aid distributed by the school budget review  
 7 committee, and any school district income surtax imposed in the dis-  
 8 trict.

1     **SEC. 6. District cost.** As used in this division, "district cost"  
 2 means the total expenditures or anticipated expenditures of a dis-  
 3 trict which are payable from the school general fund, exclusive of

4 federal aid provided under title twenty (20), chapter thirteen (13),  
5 of the United States Code.

1     **SEC. 7. Allowable growth.** Each year the state comptroller shall  
2 compute the state percent of growth by adding the percents of in-  
3 crease for the second and third years of the most recent three-year  
4 period for which accurate figures are available, for each of the fol-  
5 lowing sources of revenue, and dividing the total by four:

6     1. State general fund revenues, adjusted for changes in rates or  
7 basis.

8     2. Statewide assessed valuation of taxable property, adjusted for  
9 statewide changes in assessment practices.

10 Each year the state comptroller shall compute the dollar equiva-  
11 lent of the state percent of growth by multiplying the state cost per  
12 pupil for the preceding school year by the current state percent of  
13 growth, except that this dollar equivalent is limited to a maximum  
14 amount of forty-six dollars for the school year beginning on July 1,  
15 1972, forty-eight dollars for the school year beginning on July 1,  
16 1973, and fifty-one dollars for the school year beginning on July 1,  
17 1974. As used in this division, "allowable growth" means the dollar  
18 equivalent of the state percent of growth.

1     **SEC. 8. State cost per pupil.** The state cost per pupil for the  
2 school year beginning July 1, 1971, is nine hundred twenty dollars.  
3 The state cost per pupil for the school year beginning on July 1,  
4 1972, and for each succeeding school year is the previous year's state  
5 cost per pupil plus the allowable growth. If the state percent of  
6 growth is zero or less, the state cost per pupil shall be the same as  
7 the previous year's state cost per pupil.

1     **SEC. 9. Maximum general fund budget and additional school dis-  
2 trict property tax levy.**

3     1. The state comptroller shall determine the additional school dis-  
4 trict property tax levy for each school district, which is in addition  
5 to the foundation property tax levy, as follows:

6     a. The district cost per pupil in fall enrollment for the current  
7 school year ending June thirtieth each year, plus the allowable growth,  
8 determines the district cost per pupil for the school year beginning  
9 July first each year. However, if the district cost per pupil in fall  
10 enrollment for the current school year ending June thirtieth each  
11 year exceeds one hundred ten percent of the state cost per pupil, the  
12 school budget review committee shall review the proposed budget and  
13 establish the amount of allowable growth for that district, not to  
14 exceed the limitations in section seven (7) of this division.

15     b. The district cost per pupil multiplied by the estimated fall en-  
16 rollment for the school year beginning July first each year, deter-  
17 mines the maximum district cost for each district. A school district  
18 may not exceed its maximum district cost unless additional millage  
19 is authorized or supplemental state aid is distributed to the district  
20 by the school budget review committee as provided in section thir-  
21 teen (13), subsection five (5), of this division, or unless an addi-  
22 tional amount is raised by a school district income surtax approved  
23 by the voters.

24     c. The district foundation base multiplied by the number of pupils  
25 in fall enrollment, and the product subtracted from the lesser of the

26 actual or maximum district cost for the school year beginning July  
27 first each year, determines the amount to be raised by the additional  
28 school district property tax levy, subject to the maximum millage pro-  
29 vided in section ten (10) of this division, any additional millage au-  
30 thorized by the school budget review committee under section thir-  
31 teen (13), subsection five (5), paragraph a, of this division, or the  
32 maximum millage reduction provided in section twenty-one (21) of  
33 this division.

34 2. No later than December first of each year, the state comptroller  
35 shall notify the county auditor of each county the amount, both in  
36 dollars and mills, of the additional property tax levy in each school  
37 district in the county. Each county auditor shall spread the additional  
38 property tax levy for each school district over all taxable property in  
39 the district.

40 3. a. A county board of education or joint county board of educa-  
41 tion shall not certify for the fiscal year commencing July 1, 1972,  
42 or the fiscal year commencing January 1, 1973, or any succeeding fis-  
43 cal year, an amount of money to be raised by property taxes for the  
44 general fund budget in excess of the amount of money raised by  
45 property taxes for general fund expenditures for its last preceding  
46 fiscal year, plus an amount determined by multiplying the state per-  
47 cent of growth determined under section seven (7) of this division  
48 by the amount raised by property taxes for the general fund budget  
49 for its last preceding fiscal year.

50 b. In addition to the amounts provided in paragraph a of this sub-  
51 section, a county board of education or joint county board of educa-  
52 tion may certify and receive moneys to expand special education pro-  
53 grams for the fiscal year commencing July 1, 1972, or January 1,  
54 1973 or any succeeding year. However, this exception applies only  
55 to those special education programs or courses which would have  
56 qualified for state reimbursement pursuant to chapter two hundred  
57 eighty-one (281) of the Code, as interpreted by the rules and regula-  
58 tions of the state department of public instruction effective on July  
59 1, 1970.

60 c. If, for any school year, responsibility for a special education  
61 pupil is transferred from a school district to a county or joint county  
62 board of education, or from a county or joint county board of educa-  
63 tion to a school district, the moneys budgeted for that pupil shall be  
64 transferred to the district or board which accepts responsibility for  
65 the pupil, or a proportionate amount shall be transferred if the change  
66 is made during the school year.

1 **SEC. 10. Maximum millage levy.** For the purpose of determining  
2 the maximum millage levy in a school district, the state comp-  
3 troller shall determine the sum of the foundation property tax levy  
4 and the additional property tax levy, in mills. When this total mill-  
5 age rate exceeds the district general fund levy in mills for the school  
6 year which began July 1, 1970, he shall adjust the district general  
7 fund millage levy to a rate equal to the millage levy for the school  
8 year beginning July 1, 1970, unless additional millage is approved by  
9 the school budget review committee, as provided in section thirteen  
10 (13), subsection five (5), paragraph a, of this division.

1     **SEC. 11. Guaranteed state aid.** For the school year beginning July  
2 1, 1972, and for the next four succeeding school years, the state shall  
3 provide specific funds, called guaranteed state aid, to any school dis-  
4 trict in which the maximum millage, excluding any additional millage  
5 approved by the school budget review committee, plus the district's  
6 miscellaneous income and state school foundation aid, does not meet  
7 the actual or maximum district cost, whichever is less.  
8     There is hereby appropriated from the general fund of the state to  
9 the department of public instruction moneys sufficient to pay the  
10 guaranteed state aid provided in this section. The state comptroller  
11 shall pay this aid no later than May fifteenth of each year, beginning  
12 in 1973 for the school year beginning July 1, 1972.

1     **SEC. 12. School budget review committee.** A school budget re-  
2 view committee is established, consisting of the superintendent of pub-  
3 lic instruction, the state comptroller, and three members appointed by  
4 the governor to represent the public and to serve three-year staggered  
5 terms. Those serving on the effective date of this division as public  
6 members of the school budget review committee established under  
7 prior law shall continue to serve out their unexpired terms as mem-  
8 bers of the committee established under this section. The committee  
9 shall meet and hold hearings each year and shall continue in session  
10 until it has reviewed budgets of school districts, as provided in sec-  
11 tion thirteen (13) of this division. It may call in school board mem-  
12 bers and employees as necessary for the hearings. Legislators shall  
13 be notified of hearings concerning school districts in their constitu-  
14 encies.  
15     The committee shall adopt its own rules of procedure. The super-  
16 intendent of public instruction shall serve as chairman, and the state  
17 comptroller shall serve as secretary. The committee members repre-  
18 senting the public are entitled to receive a per diem equal to the per  
19 diem of members of the board of public instruction, and their neces-  
20 sary travel and other expenses while engaged in their official duties.  
21 Expense payments shall be made from appropriations to the depart-  
22 ment of public instruction.

1     **SEC. 13. Duties of the committee.**  
2     1. The school budget review committee may recommend the revi-  
3 sion of any rules, regulations, directives, or forms relating to school  
4 district budgeting and accounting, confer with local school boards or  
5 their representatives and make recommendations relating to any  
6 budgeting or accounting matters, and may direct the superintendent  
7 of public instruction or the state comptroller to make studies and  
8 investigations of school costs in any school district.  
9     2. The committee shall report to each session of the general assem-  
10 bly, which report shall include any recommended changes in laws  
11 relating to school districts, and shall specify the number of hearings  
12 held annually, the reasons for the committee's recommendations, and  
13 other information as the committee deems advisable.  
14     3. The committee shall review the proposed or certified budget of  
15 any school district if the district cost per pupil in estimated fall en-  
16 rollment has increased over the district cost per pupil in fall en-  
17 rollment for the previous year by more than the allowable growth of  
18 the district.

19 4. The committee may review the proposed or certified budget of  
20 any school district as follows:

21 a. If the budget shows district costs per pupil in estimated fall en-  
22 rollment of more than the state cost per pupil.

23 b. If in the judgment of the committee, the budget shows the dis-  
24 trict cost to be unreasonably high in relation to the comparative cost  
25 factors of similar districts, even if the district cost per pupil in esti-  
26 mated fall enrollment does not exceed the state cost per pupil.

27 5. The committee may authorize a school budget in excess of limi-  
28 tations provided in sections nine (9) and ten (10) of this division as  
29 follows:

30 a. If a nonpublic school within a district closes wholly or in part,  
31 the committee may authorize an increase in the school general fund  
32 millage beyond the maximum permitted under section ten (10) of  
33 this division, but only to the extent necessary to cover the cost of  
34 absorbing the former nonpublic school pupils into the public school  
35 system. The school board shall establish the amount of necessary  
36 increased cost to the satisfaction of the school budget review commit-  
37 tee before an increase in millage is authorized.

38 b. Additional supplemental state aid may be paid to any district  
39 from any discretionary funds appropriated specifically to the com-  
40 mittee for this purpose.

41 6. If the committee does not authorize a school district's budget, it  
42 shall state its recommendations in terms of a specific reduction in  
43 the district cost, and in terms of a projected reduction in the millage  
44 rate of the school district, and shall notify the school board of its  
45 recommendations through the state comptroller.

46 7. The committee, when making recommendations relating to school  
47 budgets, shall consider each district's circumstances and facts which  
48 are unique and unusual, including but not limited to any unusual  
49 increases or decreases in enrollments, natural disasters, unusual trans-  
50 portation problems, and initial staffing problems.

51 8. Failure by any school district to provide information or appear  
52 before the committee as requested for the accomplishment of review  
53 or hearing shall constitute justification for the committee to instruct  
54 the state comptroller to withhold any state aid to that district until  
55 the committee's inquiries are satisfied completely.

56 9. The school budget review committee may call in any county  
57 board of education for the purpose of reviewing its budget as it re-  
58 lates to the individual districts within the county.

1 SEC. 14. **Election to exceed maximum district cost.** If a school  
2 board wishes to exceed its maximum district cost, as determined un-  
3 der section nine (9) of this division, it shall first submit its proposed  
4 budget to the school budget review committee. The committee may  
5 approve the proposed budget or may make other recommendations,  
6 but if the board decides that the district should exceed its maximum  
7 district cost, and the committee has not authorized an additional mill-  
8 age or supplemental state aid as provided in section thirteen (13),  
9 subsection five (5), of this division, the board shall submit to the  
10 voters of the school district, at a regular or special school election held  
11 not later than September fifteenth, the question of whether the pro-  
12 posed budget shall be approved, and financed by a school district in-  
13 come surtax of a specified rate, or whether the district shall be lim-

14 ited to its maximum district cost.

15 If a majority of those voting approves the proposed budget and  
16 the specified school district income surtax rate, the surtax, deter-  
17 mined as provided in section fifteen (15) of this division, may be im-  
18 posed by resolution of the school board.

19 If the proposed budget and surtax does not receive approval by a  
20 majority of those voting, the school board shall reduce its general  
21 fund budget to an amount which does not exceed its maximum dis-  
22 trict cost.

23 The school board shall certify the result of an election required  
24 under this section to the county auditor, the school budget review  
25 committee, and the director of revenue, within ten days following  
26 the election. If a school district income surtax is approved, the  
27 school board shall publish notice of the surtax rate, as provided in  
28 chapter six hundred eighteen (618) of the Code.

1 **SEC. 15. School district income surtax.**

2 1. If a school district income surtax is proposed by a school board,  
3 the state comptroller shall determine the rate of school district in-  
4 come surtax as follows:

5 a. Determine the excess amount needed.

6 b. Determine the total amount of state individual income tax as  
7 shown on the individual tax returns of persons residing in the school  
8 district on December thirty-first of the last preceding calendar year  
9 for which accurate figures are available or on the last day of a tax-  
10 payer's fiscal year ending within that calendar year. The director of  
11 revenue shall report this amount to the state comptroller as requested.

12 c. Divide the total amount of state individual income tax deter-  
13 mined into the excess amount needed. The quotient is the school dis-  
14 trict income surtax rate which shall be imposed on the state individ-  
15 ual income tax for the calendar year during which the school year  
16 begins, or for a taxpayer's fiscal year ending during that calendar  
17 year but after the date of the election approving the budget, and for  
18 subsequent years as provided in subsections two (2) and three (3) of  
19 this section, and shall be imposed on all individuals residing in the  
20 school district on December thirty-first of each calendar year, or on  
21 the last day of their fiscal year. As used in this section, "state individ-  
22 ual tax" means the tax computed under section four hundred twenty-  
23 two point five (422.5) of the Code, less the deductions allowed in sec-  
24 tion four hundred twenty-two point twelve (422.12) of the Code.

25 2. A school district income surtax rate approved by the voters, or  
26 as much of it as may be necessary, shall continue to be in effect in  
27 that school district until the school board finds that the surtax or a  
28 part of it is unnecessary, or until the amount of the surtax is altered  
29 by another election. If a school board wishes to increase the district  
30 costs so that they cannot be met by the combination of maximum  
31 millage, state aid, miscellaneous income, and the approved school dis-  
32 trict income surtax, the school board may hold another election to  
33 submit the question of whether to increase the surtax rate for the  
34 district, and may increase the rate only if an increase is approved by  
35 a majority of those voting.

36 3. At least once every five years, if a school district income surtax  
37 is found to be necessary, the school board shall submit to the voters  
38 of the school district, at a regular or special school election held not



39 later than September fifteenth, the question of whether to continue  
 40 imposition of the established rate of school district income surtax or  
 41 of a lesser rate as necessary. If a majority of those voting does not  
 42 approve the proposed school district income surtax rate, the school  
 43 board shall reduce its general fund budget to an amount which does  
 44 not exceed its maximum district cost.

1     **SEC. 16. Statutes applicable.** The director of revenue shall admin-  
 2     ister any school district income surtax imposed under this division,  
 3     and all the provisions of sections four hundred twenty-two point  
 4     twenty (422.20), four hundred twenty-two point twenty-two (422.22)  
 5     through four hundred twenty-two point thirty-one (422.31), inclu-  
 6     sive, four hundred twenty-two point sixty-eight (422.68), and four  
 7     hundred twenty-two point seventy-two (422.72) through four hundred  
 8     twenty-two point seventy-five (422.75), inclusive, of the Code, shall  
 9     apply in respect to administration of the school district income sur-  
 10    tax.

1     **SEC. 17. Form and time of return.** The school district income sur-  
 2     tax shall be made a part of the Iowa individual income tax return  
 3     subject to the conditions and restrictions set forth in section four  
 4     hundred twenty-two point twenty-one (422.21) of the Code.

1     **SEC. 18. Deposit of school district income surtax.** The director of  
 2     revenue shall deposit all moneys received as school district income  
 3     surtax to the credit of each district from which the moneys are  
 4     received, in a "school district income surtax fund" which is estab-  
 5     lished in the office of the treasurer of state.

1     **SEC. 19. School district income surtax certification.** On or before  
 2     October twentieth each year, the director of revenue shall make an  
 3     accounting of the school district income surtax collected under this  
 4     division applicable to tax returns for the last preceding calendar year,  
 5     or for fiscal year taxpayers, on the last day of their tax year ending  
 6     during that calendar year and after the date of the election approv-  
 7     ing the surtax, from taxpayers in each school district in the state  
 8     which has imposed a surtax, and shall certify to the state comptroller  
 9     and the state department of public instruction the amount of total  
 10    school district income surtax credited from the taxpayers of each  
 11    school district. Additional returns in process, if any, at the time of  
 12    certification shall be completed and the additional amount of school  
 13    district income surtax reported to the state comptroller for distribu-  
 14    tion back to the school district with the first installment of the fol-  
 15    lowing school year.

1     **SEC. 20. School district income surtax distribution.** The state  
 2     comptroller shall draw warrants in payment of the amount of surtax  
 3     payable to each of the school districts in two installments to be  
 4     paid on approximately the first day of December and the first day of  
 5     February, and shall cause the warrants to be delivered to the re-  
 6     spective school districts.

1     **SEC. 21. Maximum millage reduction.** If the functioning of the  
 2     state school foundation program established by this division causes a  
 3     reduction in any school district, for the school year beginning July 1,  
 4     1972, of more than ten percent of the district's total general fund

5 millage for the school year beginning July 1, 1970, the reduction for  
6 the school year beginning July 1, 1972 is limited to that ten percent,  
7 and the reduction for each of the school years beginning July 1, 1973,  
8 and July 1, 1974, is limited to ten percent of the preceding year's  
9 millage. However, if this limitation results in a district millage  
10 levy which raises more than the district needs to meet the lesser of  
11 its actual or maximum district cost, the ten percent limitation does  
12 not apply, and the district may reduce its millage as much as can be  
13 done without entitling the district to state school foundation aid.  
14 The state comptroller shall compute any maximum millage reduction  
15 required by this section, and shall notify the school boards accordingly.

1     **SEC. 22. Tentative budget.** Not later than December first for each  
2 ensuing fiscal year, the board of directors of each school district shall  
3 set a tentative budget in dollars of the amount the district may spend  
4 on each program in the system as defined by the school budget review  
5 committee and in the forms prescribed by the committee. This pros-  
6 pectus of program and allotted dollars as approved by the board shall  
7 guide the superintendent when preparing the proposed budget for  
8 that year. These limitations submitted by the board of directors to  
9 the superintendent of schools for the district shall be promptly for-  
10 warded to the committee.

1     **SEC. 23. Rules and regulations.** The superintendent of public in-  
2 struction, after consultation with the state comptroller, may adopt  
3 rules and regulations and definitions of terms as necessary and  
4 proper for the administration of this division.

1     **SEC. 24. Local budget law.** Provisions of chapter twenty-four (24)  
2 of the Code remain applicable to school budgets.

1     **SEC. 25. Estimates of miscellaneous aids.** No later than Septem-  
2 ber first of each year, the department of public instruction shall cer-  
3 tify to the state comptroller the amounts of any state aids other than  
4 the amounts provided in this division that will be received by each  
5 school district in the state. In the event any estimate of state aids  
6 in any school budget certified to the auditor as provided by section  
7 twenty-four point seventeen (24.17) of the Code is more or less  
8 than the amount of state aids certified to the state comptroller by the  
9 department of public instruction as provided by this section, the state  
10 comptroller shall certify to the county auditors the final millage for  
11 each school district.

1     **SEC. 26. Appropriations.** There is hereby appropriated each year  
2 from the general fund of the state an amount necessary to pay the  
3 state school foundation aid.

4     All state aids paid under this division, unless otherwise stated, shall  
5 be paid in installments due on or about September fifteenth, Decem-  
6 ber fifteenth, March fifteenth, and May fifteenth of each year, and  
7 the installments shall be as nearly equal as possible as determined  
8 by the state comptroller, taking into consideration the relative budget  
9 and cash position of the state resources.

10     All moneys received by a school district from the state under the  
11 provisions of this division shall be deposited in the general fund of  
12 the school district, and may be used for any school general fund pur-  
13 pose.

1 SEC. 27. There is hereby appropriated from the general fund of  
 2 the state to the department of public instruction for the year begin-  
 3 ning July 1, 1972, and ending June 30, 1973, one million six hundred  
 4 thousand (1,600,000) dollars, or so much thereof as may be necessary  
 5 for reimbursing public school districts and county or joint county  
 6 school systems for expenditures incurred in accordance with the pro-  
 7 visions of section two hundred fifty-seven point twenty-six (257.26)  
 8 of the Code.

9 Claims for reimbursement for the period beginning July 1, 1971,  
 10 and ending June 30, 1972, shall be made by July 30, 1972, to the  
 11 department of public instruction, clearly detailing the expenditures  
 12 incurred, and in a form prescribed by the department.

13 As a condition to receiving reimbursement under this section, a  
 14 school district shall show by affidavit of an officer of the school board  
 15 that the amount of reimbursement claimed by the school district does  
 16 not exceed one-half of the actual costs incurred by the district under  
 17 section two hundred fifty-seven point twenty-six (257.26) of the Code,  
 18 and does not include the portion of those costs for which the district  
 19 received state school foundation aid. The claims for reimbursement  
 20 shall be certified by the department of public instruction to the state  
 21 comptroller on or before August 31, 1972. On or before September  
 22 15, 1972, the state comptroller shall draw warrants on the fund  
 23 created by this section, payable to the school districts which have  
 24 established claims. In the event that the amount appropriated is in-  
 25 sufficient to pay in full the total amounts certified to the state comp-  
 26 troller, he shall prorate the fund and notify each school district of its  
 27 pro rata percentage on or before September 15, 1972.

1 SEC. 28. Section two hundred eighty-one point nine (281.9), Code  
 2 1971, is amended by adding the following new paragraph:

3 "This section applies to all existing programs to July 1, 1973, and  
 4 to the continuation of such existing programs after July 1, 1973."

1 SEC. 29. Chapter two hundred eighty-one (281), Code 1971, is  
 2 amended by adding the following new section:

3 "A school district, county board of education, or joint county  
 4 board of education that provides special education as required by this  
 5 chapter shall, prior to March 1, 1972, and each March first thereafter,  
 6 apply to the department of public instruction, upon forms prescribed  
 7 by the department, for qualification to receive reimbursement pursu-  
 8 ant to this chapter. During the following fiscal year the department  
 9 shall approve each application and qualification if the district, county  
 10 board of education, or joint county board establishes all of the fol-  
 11 lowing:

12 1. That there are sufficient students within the area who are in  
 13 need of the instruction.

14 2. That the applying unit is the unit that can best and most effi-  
 15 ciently provide for the instruction without duplicating services other-  
 16 wise provided, as opposed to another available educational unit.

17 3. That the unit has qualified teachers available.

18 4. That the instruction is a natural and normal progression of a  
 19 planned course or courses of instruction, and that this progressive  
 20 growth factor is not out of proportion to the ability of the educa-  
 21 tional unit to pay for the courses of instruction.

22 5. That all reimbursement sought is for actual delivery of special

23 education services and not for administrative costs.

24 6. Other factors as the department may require.

25 There is hereby appropriated out of the general fund of the state  
26 to the department of public instruction beginning July 1, 1973, a sum  
27 sufficient to pay all approved applications for reimbursement pursuant  
28 to this chapter and this section, to the extent that the approved  
29 applications are for expanded special education programs beyond  
30 those programs provided for the fiscal year commencing July 1, 1971,  
31 or January 1, 1972, but only to the extent that the expanded pro-  
32 grams would have qualified for state reimbursement pursuant to this  
33 chapter, as interpreted by the rules and regulations of the state  
34 department of public instruction effective on July 1, 1970."

1 SEC. 30. Section two hundred ninety-eight point one (298.1),  
2 Code 1971, is amended as follows:

3 298.1 **School taxes.** The board of each school corporation shall  
4 estimate the amount of the proposed expenditures and proposed  
5 receipts for the general school purposes at a time and in a manner  
6 to effectuate the provisions of [chapter 442] *sections 1 through 29,*  
7 *inclusive, of this Act.* Compliance with chapter 24 shall be observed.

8 [Prior to compliance with section 24.9, the superintendent of the  
9 county school systems shall call a joint meeting of school superintend-  
10 ents and school board members for all of the local districts within  
11 the county basic school tax unit. The time and place for such  
12 joint meetings shall be set by the superintendent of the county school  
13 system.]

14 [The purpose of the joint meeting shall be for a review of the budg-  
15 ets of the several school districts within the county basic school tax  
16 units, and for the discussion of common problems within the county  
17 basic unit.]

1 SEC. 31. Section four hundred twenty-two point sixty-five  
2 (422.65), Code 1971, is amended as follows:

3 422.65 **Allocation of revenue.** [Ten] *Fifty-five* percent of the total  
4 moneys received from the franchise tax shall be deposited in the state  
5 general fund. The remaining moneys received from the franchise tax  
6 shall be deposited in a franchise tax fund hereby established in the  
7 office of the treasurer of state, and shall be paid quarterly on warrants  
8 by the state comptroller, after certification by the director of revenue,  
9 as follows:

10 [1. Fifty percent to the basic school tax equalization fund of the  
11 basic school tax unit from which the tax is collected, to be distributed  
12 in the same manner as other funds in the basic school tax equalization  
13 fund.]

14 [2. Thirty] 1. *Sixty* percent to the general fund of the city or  
15 town from which the tax is collected.

16 [3. Twenty] 2. *Forty* percent to the general fund of the county  
17 from which the tax is collected.

18 If the financial institution maintains one or more offices for the  
19 transaction of business, other than its principal office, a portion of  
20 its franchise tax shall be allocated to each office, based upon a rea-  
21 sonable measure of the business activity of each office. The director  
22 of revenue shall prescribe, for each type of financial institution, a  
23 method of measuring the business activity of each office. Financial

24 institutions shall furnish all necessary information for this purpose  
25 at the request of the director.

26 Quarterly, the director of revenue shall certify to the treasurer of  
27 state the amounts to be paid to each [basic school tax unit,] city,  
28 town, and county from the franchise tax fund. All moneys received  
29 from the franchise tax are hereby appropriated according to the pro-  
30 visions of this section. *This section is applicable to all funds col-*  
31 *lected on or after July 1, 1970.*

1 SEC. 32. Effective January 1, 1972, section four hundred thirty A  
2 point three (430A.3), Code 1971, is amended as follows:

3 **430A.3 Levy.** There is hereby imposed upon capital employed in  
4 the business of making loans or investments within the state of Iowa,  
5 as determined under the provisions of this chapter, a tax of five mills  
6 on each dollar of such capital; such tax to be considered a tax upon  
7 moneys and credits of such corporations which shall be levied by the  
8 board of supervisors, and placed upon the tax list and collected by  
9 the county treasurer. The amount collected in each taxing district in  
10 cities and towns shall be apportioned twenty percent to the county  
11 general fund, thirty percent to the city or town general fund, and  
12 fifty percent to the [basic school tax equalization fund] *general fund*  
13 *of the state*, and the amount collected in each taxing district outside  
14 of cities and towns shall be apportioned fifty percent to the county  
15 general fund and fifty percent to the [basic school tax equalization  
16 fund] *general fund of the state*. The term "loans" as used herein  
17 shall mean the lending of money to members of the general public  
18 upon other than real estate security. The term "investments" as used  
19 herein shall mean the discounting, purchasing, or otherwise acquiring  
20 notes, mortgages, sales contracts, debentures, or any other evidences  
21 of indebtedness, based upon other than real estate security when such  
22 investments are made in connection with loans made to members of  
23 the general public in the state of Iowa or in the courts of any opera-  
24 tions having as their effect the financing of business transactions  
25 within the state of Iowa resulting in the incurring of any indebtedness  
26 based upon security other than real estate security.

1 SEC. 33. Effective July 1, 1972, chapter four hundred forty-two  
2 (442), Code 1971, is repealed. The provisions of this division shall  
3 control school general fund budgets for the school year beginning July  
4 1, 1972, and the provisions of chapter four hundred forty-two (442)  
5 of the Code, as limited by House File one hundred twenty-one (121),  
6 Acts of the Sixty-fourth General Assembly, First Session, shall con-  
7 trol school general fund budgets and the levy and distribution of school  
8 funds for the school year beginning July 1, 1971.

1 SEC. 34. Effective January 1, 1972, chapter\* five hundred thirty-  
2 three point twenty-two (533.22), Code 1971, is amended as follows:

3 **533.22 Taxation.** A credit union shall be deemed an institution  
4 for savings and shall be subject to taxation only as to its real estate,  
5 tangible personal property, moneys and credits. The shares shall not  
6 be taxed.

7 The moneys and credits tax on credit unions is hereby imposed at a  
8 rate of five mills on each dollar of legal and special reserves of every  
9 credit union, and shall be levied by the board of supervisors, and  
10 placed upon the tax list and collected by the county treasurer, except

\*According to enrolled Act.

11 that an exemption shall be given to each credit union in the amount  
 12 of four thousand dollars and, in addition, any amount of the legal and  
 13 special reserves which are invested in United States government se-  
 14 curities. The amount collected in each taxing district within a city  
 15 or town shall be apportioned twenty percent to the county general  
 16 fund, thirty percent to the city or town general fund, and fifty per-  
 17 cent to the [basic school tax equalization fund] *general fund of the*  
 18 *state*, and the amount collected in each taxing district outside of cities  
 19 and towns shall be apportioned fifty percent to the county general  
 20 fund and fifty percent to the [basic school tax equalization fund] *gen-*  
 21 *eral fund of the state*. The moneys and credits tax shall be collected  
 22 at the location of the credit union as shown in its articles of incorpo-  
 23 ration.

## DIVISION II

1 SEC. 35. Section four hundred twenty-two point five (422.5), Code  
 2 1971, is amended by striking subsections three (3) through seven  
 3 (7), inclusive, and inserting in lieu thereof the following:

4 3. On the third thousand dollars of taxable income, or any part  
 5 thereof, three percent.

6 4. On the fourth thousand dollars of taxable income, or any part  
 7 thereof, four percent.

8 5. On the fifth, sixth, and seventh thousand dollars of taxable in-  
 9 come, or any part thereof, five percent.

10 6. On the eighth and ninth thousand dollars of taxable income, or  
 11 any part thereof, six percent.

12 7. On all taxable income over nine thousand dollars, seven percent.

1 SEC. 36. Section four hundred twenty-two point thirty-three  
 2 (422.33), unnumbered paragraphs one (1), two (2), three (3), and  
 3 four (4), Code 1971, are amended as follows:

4 A tax is hereby imposed upon each corporation organized under  
 5 the laws of this state, and upon every foreign corporation doing busi-  
 6 ness in this state, annually in an amount computed by applying the  
 7 following rates of taxation to the net income received by the corpo-  
 8 ration during the income year:

9 On the first twenty-five thousand dollars of taxable income, or any  
 10 part thereof, the rate of [four] *six* percent.

11 On taxable income between twenty-five thousand dollars and one  
 12 hundred thousand dollars or any part thereof, the rate of [six] *eight*  
 13 percent.

14 On taxable income of one hundred thousand dollars or more, the rate  
 15 of [eight] *ten* percent.

1 SEC. 37. Section four hundred twenty-two point thirty-three  
 2 (422.33), subsection one (1), paragraph "b", unnumbered paragraph  
 3 four (4), Code 1971, is amended as follows:

4 The gross sales of the corporation within the state shall be taken  
 5 to be the gross sales from goods [sold and] delivered within the state,  
 6 excluding deliveries for transportation out of the state.

1 SEC. 38. The provisions of sections thirty-five (35), thirty-six  
 2 (36), and thirty-seven (37) of this division shall be effective Janu-  
 3 ary 1, 1971, for all taxable years commencing on or after January 1,

4 1971, and to this extent sections thirty-five (35), thirty-six (36), and  
5 thirty-seven (37) of this division are retroactive.

DIVISION III

1 SEC. 39. Section four hundred twenty-five point one (425.1), sub-  
2 section five (5), unnumbered paragraph one (1) and paragraph "b",  
3 Code 1971, are amended as follows:

4 5. [In addition to the homestead credit of twenty-five mills on  
5 twenty-five hundred dollars of assessed valuation allowable under  
6 this chapter, in the event] *In lieu of the homestead tax credit allowed*  
7 *pursuant to subsections 1 through 4 of this section, if the owner, as*  
8 *defined in this chapter, is over sixty-five years of age, or is totally dis-*  
9 *abled, and provided that his Iowa net income, as defined in section*  
10 *422.7, plus interest and dividends from federal securities and income*  
11 *from social security and other tax-exempt retirement or pension plans,*  
12 *when included with that of the spouse, brother, sister, son, daughter,*  
13 *if any, living with the claimant, is less than [three thousand five hun-*  
14 *dred] four thousand dollars for the last twelve-month income tax*  
15 *accounting period, there shall be credited by the county auditor on*  
16 *such owner's eligible homestead, an amount equal to [but not exceed-*  
17 *ing the amount calculated as provided in this section] one hundred*  
18 *twenty-five dollars, except that the credit shall not exceed the amount*  
19 *of the property taxes levied and collectible on the homestead for that*  
20 *year.*

21 b. His Iowa net income, plus interest and dividends from federal  
22 securities and income from social security and other tax-exempt re-  
23 tirement or pension plans when included with that of his spouse, if  
24 any, during the last preceding twelve-month income tax accounting  
25 period is less than [three thousand five hundred] *four thousand dol-*  
26 *lars.*

1 SEC. 40. The provisions of section thirty-nine (39) of this divi-  
2 sion shall become effective January 1, 1972.

DIVISION IV

1 SEC. 41. There is created a "municipal assistance fund" in the  
2 office of the treasurer of state.

1 SEC. 42. There is appropriated to the municipal assistance fund  
2 from the general fund of the state the sum of five million (5,000,000)  
3 dollars for each fiscal year of the biennium commencing July 1, 1971,  
4 and ending June 30, 1973.

1 SEC. 43. On or before June fifteenth of each year of the biennium,  
2 the state comptroller shall distribute the moneys in the municipal  
3 assistance fund to each city and town in the state in the proportion  
4 that the population of each city and town is to the total population  
5 of all cities and towns in the state. However, the comptroller shall  
6 in no event distribute in any year to any city or town an amount in  
7 excess of one-half the amount to be collected from property tax levies  
8 by that city or town for that year. Any moneys remaining in the  
9 municipal assistance fund shall remain in the fund and be available  
10 for distribution the following year.

1     **SEC. 44.**

2     1. The population of each city and town shall be determined by  
3 the latest available federal census. An incorporated city or town may  
4 have one special federal census taken each decade, and the popula-  
5 tion figure obtained shall be used in apportioning amounts under this  
6 subsection beginning the calendar year following the year in which  
7 the special census is certified to the secretary of state.

8     2. In any case where an incorporated city or town has been incor-  
9 porated since the latest available federal census, the mayor and  
10 council shall certify to the treasurer of state the actual population of  
11 the incorporated city or town as of the date of incorporation and its  
12 apportionment of funds under this subsection shall be based upon such  
13 certification until the next federal census enumeration. Any commu-  
14 nity which has dissolved its corporation shall not receive any appor-  
15 tionment of funds under this subsection after its dissolution.

16     3. In any case where an incorporated city or town has annexed  
17 any territory since the last regular or special federal census, the  
18 mayor and council shall certify to the treasurer of state the actual  
19 population of the annexed territory as determined by the last certified  
20 federal census of the territory and the apportionment of funds under  
21 this subsection shall be based upon the population of the city or town  
22 as modified by the certification of the population of the annexed ter-  
23 ritory until the next regular or special federal census enumeration.

24     4. In any case where two or more incorporated cities or towns  
25 have consolidated, the apportionment of funds under this subsection  
26 shall be based upon the population of the incorporated city or town  
27 resulting from the consolidation and shall be determined by combining  
28 the population of all incorporated cities and towns involved in the  
29 consolidation as determined by the last regular or special federal cen-  
30 sus enumeration for the consolidating city or town.

1     **SEC. 45.** Section twenty-six point six (26.6), Code 1971, is  
2 amended as follows:

3     **26.6 Population of counties, townships, cities, and towns.** When-  
4 ever the population of any county, township, city, or town is referred  
5 to in any law of this state, it shall be determined by the last certified,  
6 or certified and published, official census unless otherwise provided.  
7 However, the population figure disclosed for any city or town as the  
8 result of a special federal census as modified as the result of consoli-  
9 dation or annexation in the manner provided in sections 312.3, and  
10 123.50, shall be considered for no other purposes than the application  
11 of sections 123.50 [and], 312.3 *and the provisions of this division.*  
12 Whenever a special federal census is hereafter taken by any city or  
13 town, the mayor and council shall certify the said census as soon as  
14 possible to the secretary of state and to the treasurer of state as  
15 otherwise herein provided, and failing to do so, the treasurer of state  
16 shall, after six months from the date of said special census, turn  
17 over such moneys as authorized by sections 123.50 and 312.3 to the  
18 general fund of the state, and continue to do so until such time as  
19 certification by said mayor and council is made, or until the next  
20 decennial federal census. If there be a difference between the original  
21 certified record in the office of the secretary of state and the pub-  
22 lished census the former shall prevail.



## DIVISION V

1 SEC. 46. Notwithstanding any provisions of the Code, interstate  
 2 bridges owned by a city or town may be subject to assessment and  
 3 taxation in the discretion of the governing body of the city or town  
 4 owning such bridge.

## DIVISION VI

1 SEC. 47. Section four hundred twenty-two point forty-five  
 2 (422.45), Code 1971, is amended by adding the following new sub-  
 3 section:

4 "The gross receipts from sales of tangible personal property used  
 5 or to be used as railroad rolling stock for transporting persons or  
 6 property, or as materials or parts therefor."

1 SEC. 48. Section four hundred twenty-three point four (423.4),  
 2 Code 1971, is amended by adding the following new subsection:

3 "Tangible personal property used or to be used as railroad rolling  
 4 stock for transporting persons or property, or as materials or parts  
 5 therefor."

## DIVISION VII

1 SEC. 49. Section four hundred twenty-two point sixty-nine  
 2 (422.69), Code 1971, is amended by striking subsection two (2).

1 SEC. 50. Section four hundred twenty-two point seventy-eight  
 2 (422.78), Code 1971, is amended as follows:

3 **422.78 Allocation to moneys and credits replacement fund in each**  
 4 **county.** *There is created a permanent fund in the office of the treas-*  
 5 *urer of state to be known as the "moneys and credits replacement*  
 6 *fund". The director shall determine the percentage which the aggregate*  
 7 *taxable value for the year 1965 of the property described in and*  
 8 *subject to taxation under section 429.2 owned or held by individuals,*  
 9 *administrators, executors, guardians, conservators, trustees or an*  
 10 *agent or nominee thereof, and the aggregate taxable value for the*  
 11 *year 1965 of the property described in and subject to taxation under*  
 12 *section 431.1 for the year 1965 but not subject to taxation under said*  
 13 *section for the year 1966, in each county bears to the total aggregate*  
 14 *taxable value of such property reported from all of the counties in*  
 15 *the state and shall certify the percentage for each county to the*  
 16 *state comptroller prior to January 1, 1967. In January of 1967 and*  
 17 *in January of each succeeding year thereafter, the state comptroller*  
 18 *shall apply said percentage to the money which shall have accumu-*  
 19 *lated in the moneys and credits tax replacement fund prior to such*  
 20 *January and thereby determine the amount thereof due to each*  
 21 *county. The state comptroller shall draw warrants on the moneys*  
 22 *and credits tax replacement fund in such amounts payable to the*  
 23 *county treasurer of each county and transmit them. The county*  
 24 *treasurer shall apportion these amounts as follows: For the amounts*  
 25 *received in January 1972, and all previously collected amounts,*  
 26 *twenty percent to the county general fund, fifty percent to the [basic*  
 27 *school tax equalization fund] school general fund, and the remaining*  
 28 *thirty percent to cities and towns in the proportion that the taxable*  
 29 *values for each city and town for 1965 of property subject to taxa-*

30 tion in 1965 under sections 429.2 and 431.1 is to the total of such tax-  
 31 able values for all cities and towns within the county; *for the amounts*  
 32 *received in January 1973, and all subsequently collected amounts, forty*  
 33 *percent to the county general fund, and the remaining sixty percent*  
 34 *to cities and towns in the proportion that the taxable values for each*  
 35 *city and town for the year 1965 under sections 429.2 and 431.1 is to*  
 36 *the total of such taxable values for all the cities and towns within*  
 37 *the county.*

38 *There is appropriated to the moneys and credits replacement fund*  
 39 *from the general fund of the state for the fiscal year beginning July*  
 40 *1, 1972 the sum of two million five hundred thousand (2,500,000) dol-*  
 41 *lars, such sum to be paid to the moneys and credits replacement fund*  
 42 *not later than January 10, 1973.*

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 166†

### TEACHERS PENSION SYSTEMS

#### S. F. 59

AN ACT relating to teachers pension systems.

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

1 SECTION 1. Section two hundred ninety-four point twelve  
 2 (294.12), unnumbered paragraph two (2), Code 1971, is amended as  
 3 follows:  
 4 In any school district which has pursuant to section 294.11 termi-  
 5 nated a previously existing pension and annuity retirement system  
 6 and has after actuarial computation established a retirement reserve  
 7 fund pursuant to this section in order to pay to surviving beneficiaries  
 8 entitled to receive retirement benefits at date of termination of said  
 9 system in the amount in effect with respect to such beneficiaries  
 10 immediately prior to the date of termination, the board of directors  
 11 may authorize each and every payment to each surviving beneficiary  
 12 falling due subsequent to June 30, 1971, to be increased by an amount  
 13 to be determined by the board such increased payments to be paid  
 14 from the retirement reserve fund according to an actuarial compu-  
 15 tation thereof plus such additional amounts transferred from the  
 16 general fund as may be required. In order to provide the additional  
 17 amounts required from the general fund for such increased payments,  
 18 the board of directors may annually at the meeting at which it esti-  
 19 mates the amount required for the general fund in accordance with  
 20 section 298.1 estimate such additional amount as an actuarial com-  
 21 putation shall show is necessary from the general fund for the pay-  
 22 ment of such increased benefits for the current school year; provided  
 23 the amount estimated and certified to be transferred from the gen-

†See Editor's note, page iii.

24 eral fund to the retirement reserve fund shall not exceed five hun-  
 25 dredths of a mill on the dollar of the assessed valuation of the tax-  
 26 able property of the school corporation. The board of supervisors  
 27 shall in accordance with the provisions of section 298.8 levy the taxes  
 28 necessary to raise the amount estimated by the board of directors as  
 29 above provided and certified to the board of supervisors. Upon the  
 30 death of the last beneficiary to survive, any balance remaining in said  
 31 retirement reserve fund shall be transferred to the general fund of  
 32 said school district.

Approved March 5, 1971.

## CHAPTER 167

### SELLING SCHOOL DISTRICT REAL PROPERTY

#### H. F. 66

AN ACT relating to the sale of real property owned by a school district.

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

1 SECTION 1. Section two hundred ninety-seven point twenty-two  
 2 (297.22), Code 1971, is amended by adding the following new para-  
 3 graph:

4 "The board of directors of any school corporation may, subject to  
 5 sections two hundred ninety-seven point twenty-three (297.23) and  
 6 two hundred ninety-seven point twenty-four (297.24) of the Code,  
 7 sell, lease, or dispose of real estate upon which a structure has been  
 8 erected by students as part of a regular course of study, and may pur-  
 9 chase sites for the erection of additional structures."

1 SEC. 2. Any sales of property described by section one (1) of this  
 2 Act, made prior to the effective date of this Act, which were made  
 3 in the manner authorized by section one (1) of this Act, shall be  
 4 deemed to have been made in compliance with the provisions of this  
 5 Act, and to this extent the provisions of this Act are retroactive.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Tele-  
 3 graph-Herald, a newspaper published in Dubuque, Iowa, and in The  
 4 Cascade Pioneer-Advertiser, a newspaper published in Cascade, Iowa.

Approved June 14, 1971.

I hereby certify that the foregoing Act, House File 66, was published in The Tele-  
 graph-Herald, Dubuque, Iowa, June 18, 1971, and in The Cascade Pioneer-Advertiser,  
 Cascade, Iowa, June 24, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 168†

## STATE LIBRARIANS

H. F. 16

AN ACT relating to qualifications of certain state librarians.

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

- 1 SECTION 1. Section three hundred three point three (303.3), sub-  
 2 sections three (3) and four (4), Code 1971, are amended as follows:  
 3 3. Appoint a state law librarian who shall have special competence  
 4 in the organization and administration of a law library. Such appoint-  
 5 ment shall be made for a term of six years and the state law librarian  
 6 shall be removed only for cause by a two-thirds vote of the board of  
 7 trustees. Such appointment shall be made solely upon merit and with no  
 8 consideration given to the political affiliations of the person appointed.  
 9 4. Appoint a state medical librarian who shall have special compe-  
 10 tence in the organization and administration of a medical library.  
 11 Such appointment shall be made for a term of six years and the state  
 12 medical librarian shall be removed only for cause upon a two-thirds  
 13 vote of the board of trustees. Such appointment shall be made solely  
 14 upon merit and with no consideration given to the political affiliations  
 15 of the person appointed.

Approved February 19, 1971.

†See Editor's note, page iii.

## CHAPTER 169

## CENSUS RECORDS

H. F. 369

AN ACT relating to fees for census searches charged by the Iowa department of his-  
 tory and archives.*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. Section three hundred three point twelve (303.12),  
 2 Code 1971, is amended as follows:  
 3 303.12 **Certified copies—fees.** Upon request of any person, the  
 4 curator shall make a certified copy of any document, manuscript, or  
 5 record contained in said archives, and when such copy is properly  
 6 authenticated by him it shall have the same legal effect as though  
 7 certified by the officer from whose office it was obtained or by the  
 8 secretary of state. Such copy may be made in writing, or by any  
 9 suitable photographic process. Said curator shall charge and collect  
 10 for such copies the fees allowed by law to the official in whose office  
 11 the document originates for such certified copies[, and all such fees  
 12 shall be turned into the state treasury]. *A fee of three dollars must  
 13 accompany each request for a search of census records. In addition  
 14 to the three dollar fee, if the request for a search of census records  
 15 is for the purpose of determining genealogy, the curator shall require  
 16 a deposit of ten dollars and shall charge to the person requesting the  
 17 search the actual cost of performing the search. If the actual cost  
 18 of performing the search is less than ten dollars, the curator shall*

19 *refund to the person requesting the search the difference between the*  
 20 *actual cost and the ten dollar deposit. If the actual cost of perform-*  
 21 *ing the search exceeds ten dollars, the curator shall inform the person*  
 22 *requesting the search of the additional amount due, and shall for-*  
 23 *ward the results of the search upon receipt of the additional amount.*  
 24 *All fees collected shall be remitted to the treasurer of state for deposit*  
 25 *in the general fund of the state.*

Approved May 7, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

### CHAPTER 170†

#### STATE PARK AND INSTITUTIONAL ROADS

S. F. 148

AN ACT relating to the state park and institutional road system.

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

1 SECTION 1. Section three hundred six point one (306.1), subsec-  
 2 tion two (2), paragraph "j", Code 1971, is amended as follows:  
 3 j. The state park and institutional road system shall consist of  
 4 those roads located wholly within the boundaries of state-owned lands  
 5 and operated as parks or institutions or located within lands licensed  
 6 to the state from federal agencies for park purposes.

Approved March 16, 1971.

†See Editor's note, page iii.

### CHAPTER 171

#### REST AREA ON HIGHWAY IN MILLS COUNTY

H. F. 236

AN ACT relating to the establishment of rest areas or rest area buildings on interstate highways.

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

1 SECTION 1. Section three hundred thirteen point two (313.2), un-  
 2 numbered paragraph four (4), Code 1971, is amended as follows:  
 3 The state highway commission, either alone or in cooperation with  
 4 any county, shall have the authority to utilize any land acquired inci-  
 5 dental to the acquisition of land for highway right of way and to also  
 6 accept by gift, lands not exceeding two acres in area for roadside  
 7 parks and parking areas. The commission may furnish necessary  
 8 maintenance. The commission shall also have authority to accept by  
 9 gift, equipment or other installations incidental to the use of said  
 10 parks and parking areas. Said parks and parking areas shall be a  
 11 part of the primary road system and the commission may at its dis-  
 12 cretion sell or otherwise dispose of said lands. No rest areas or rest  
 13 area buildings shall be established or constructed on an interstate

14 highway at intervals of less than sixty miles [.]; *except, the state high-*  
 15 *way commission is directed to establish and construct a rest area and*  
 16 *rest area buildings on interstate highway twenty-nine in Mills county*  
 17 *south of its intersection with primary road three hundred seventy.*

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 172

### INTERSTATE BRIDGES

H. F. 735

AN ACT authorizing the state highway commission to acquire existing interstate bridges, including partially constructed interstate bridges, to complete, improve, repair, remodel, or reconstruct interstate bridges and to issue revenue bonds therefor.

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

1 SECTION 1. Section three hundred thirteen A point one (313A.1),  
 2 Code 1971, is amended as follows:

3 **313A.1 Definitions.** The following words or terms, as used in this  
 4 chapter, shall have the respective meanings as stated:

5 "Toll bridge" shall mean an interstate bridge constructed, pur-  
 6 chased or acquired under the provisions of this chapter, upon which  
 7 tolls are charged, together with all appurtenances, additions, altera-  
 8 tions, improvements, and replacements thereof, and the approaches  
 9 thereto, and all lands and interests therein used therefor, and build-  
 10 ings and improvements thereon.

11 "Commission" shall mean the state highway commission, the agency  
 12 of the state of Iowa created and provided for under the provisions of  
 13 chapter 307.

14 "Construct, constructing, construction or constructed" shall in-  
 15 clude the *completion*, reconstruction, remodeling, repair, or improve-  
 16 ment of any existing toll bridge *or any partially constructed interstate*  
 17 *bridge*, as well as the construction of any new toll bridge.

18 "Acquisition by purchase, gift, or condemnation" as used in this  
 19 chapter shall mean acquisition by the state highway commission,  
 20 whether such terms "purchase, gift, or condemnation" are used singu-  
 21 larly or in sequence.

22 "*Federal bridge commission*" shall mean *any bridge commission*  
 23 *organized and operating pursuant to an Act of the Congress of the*  
 24 *United States, even though such Act of Congress may declare the*  
 25 *bridge commission not to be an agency of the federal government.*

1 SEC. 2. Section three hundred thirteen A point five (313A.5),  
 2 Code 1971, is amended as follows:

3 **313A.5 Acquiring existing bridge—bonds.** Whenever the commis-  
 4 sion deems it necessary or advantageous and practical, it may acquire  
 5 by gift, purchase, or condemnation any interstate bridge which con-  
 6 nects with or may be connected with the public highways and the ap-  
 7 proaches thereto, except that the commission may not condemn an

8 existing interstate bridge used for interstate highway traffic and com-  
 9 bined highway and railway traffic and presently owned by a munici-  
 10 pality, or a person, firm, or corporation engaged in interstate com-  
 11 merce. *The commission may also acquire by gift or purchase two or*  
 12 *more existing interstate bridges and any partially constructed inter-*  
 13 *state bridge, all located within ten miles of each other, complete the*  
 14 *partially constructed bridge and dismantle the bridge which it is de-*  
 15 *signed to replace.* In connection with the acquisition of any such bridge,  
 16 *bridges, or partially constructed bridge,* the commission and any  
 17 federal bridge commission or any city, town, county, or other political  
 18 subdivision of the state are authorized to do all acts and things as in  
 19 this chapter are provided for the establishing and constructing of toll  
 20 bridges and operating, financing, and maintaining such bridges insofar  
 21 as such powers and requirements are applicable to the acquisition of  
 22 any toll bridge and its operation, financing, and maintenance. In so  
 23 doing, they shall act in the same manner and under the same proce-  
 24 dures as provided for establishing, constructing, operating, financing,  
 25 and maintaining toll bridges insofar as such manner and procedures  
 26 are applicable. Without limiting the generality of the above provi-  
 27 sions, the commission is hereby authorized to cause surveys to be  
 28 made to determine the propriety of acquiring any such bridge and the  
 29 rights of way necessary therefor, and other facilities necessary to  
 30 carry out the provisions hereof; to issue, sell, redeem bonds or issue  
 31 and exchange bonds with present holders of outstanding bonds of  
 32 bridges being acquired under the provisions of this chapter and de-  
 33 posit and pay out of the proceeds of the bonds for the financing there-  
 34 of; to impose, collect, deposit, and expend tolls therefrom; to secure  
 35 and remit financial and other assistance in connection with the pur-  
 36 chase thereof; and to carry insurance thereon.

1 SEC. 3. Section three hundred thirteen A point twelve (313A.12),  
 2 Code 1971, is amended by adding the following new paragraph:  
 3 "The commission may also issue its revenue bonds to pay all or  
 4 any part of the cost of acquiring two or more existing interstate  
 5 bridges and any partially constructed interstate bridge, all located  
 6 within ten miles of each other, of completing the partially constructed  
 7 bridge and of dismantling the bridge which it is designed to replace,  
 8 and to impose and collect tolls on all of such bridges and to pledge  
 9 the revenues derived therefrom to the payment of the bonds issued to  
 10 finance such project. The commission may also issue its revenue  
 11 bonds to pay all or any part of the cost of reconstructing, completing,  
 12 improving, repairing, or remodeling any interstate bridge or par-  
 13 tially constructed bridge, impose and collect tolls, and pledge the  
 14 bridge revenues to the payment of said bonds."

Approved June 30, 1971.

## CHAPTER 173

## RELOCATION OF PERSONS DISPLACED BY HIGHWAYS

H. F. 182

AN ACT providing 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. Definitions.** As used in this Act the term:
- 2     1. "Person" means any individual, partnership, corporation, or asso-
- 3     ciation.
- 4     2. "Displaced person" means any person who moves from real prop-
- 5     erty, or moves his personal property from real property, as a result
- 6     of the acquisition of such real property, in whole or in part, or as the
- 7     result of the written order of an acquiring agency to vacate real prop-
- 8     erty, for a program or project undertaken by the state highway commis-
- 9     sion with federal highway assistance; and solely for the purposes
- 10    of sections four (4) and seven (7) of this Act, as a result of the
- 11    acquisition of or as the result of the written order of the commission
- 12    to vacate other real property, on which such person conducts a busi-
- 13    ness or farm operation, for such program or project.
- 14    3. "Business" means any lawful activity, excepting a farm opera-
- 15    tion, conducted primarily:
- 16    a. For the purchase, sale, lease and rental of personal and real
- 17    property, and for the manufacture, processing, or marketing of prod-
- 18    ucts, commodities, or any other personal property;
- 19    b. For the sale of services to the public;
- 20    c. By a nonprofit organization; or
- 21    d. Solely for the purposes of section four (4), subsection one (1) of
- 22    this Act, for assisting in the purchase, sale, resale, manufacture, proc-
- 23    essing, or marketing of products, commodities, personal property,
- 24    or services by the erection and maintenance of an outdoor advertising
- 25    display or displays, whether or not such display or displays are located
- 26    on the premises on which any of the above activities are conducted.
- 27    4. "Farm operation" means any activity conducted solely or pri-
- 28    marily for the production of one or more agricultural products or
- 29    commodities, including timber, for sale or home use, and customarily
- 30    producing such products or commodities in sufficient quantity to be
- 31    capable of contributing materially to the operator's support.
- 32    5. "Mortgage" means such classes of liens as are commonly given
- 33    to secure advances on, or the unpaid purchase price of real property,
- 34    under the laws of this state, together with the credit instruments, if
- 35    any, secured thereby.
- 36    6. "Federal agency" means any department, agency, or instrumen-
- 37    tality in the executive branch of the federal government, and any
- 38    wholly owned federal government corporation.
- 39    7. "Commission" means the state highway commission.
- 40    8. "Highway project" means any federal-aid street or highway
- 41    project requiring the purchase or condemnation of private property
- 42    for public use.
- 43    9. "Departmental rules" means all rules subject to the provisions
- 44    of chapter seventeen A (17A) of the Code.



1     **SEC. 2. Effect upon property acquisition.**

2     1. The provisions of this Act shall not affect the validity of any  
3 property acquisitions by purchase or condemnation.

4     2. Nothing in this Act shall be construed as creating in any con-  
5 demnation proceedings brought under the power of eminent domain,  
6 any element of value or of damage not in existence immediately prior  
7 to the date of this Act.

8     3. In order to prevent unjust enrichment or a duplication of pay-  
9 ments to any condemnee, the courts of this state, when determining  
10 just compensation in condemnation proceedings, shall not allow any  
11 damages which duplicate any of the benefits provided under the pro-  
12 visions of this Act.

1     **SEC. 3. Declaration of policy.** The purpose of this Act is to estab-  
2 lish a uniform policy for the fair and equitable treatment of persons  
3 displaced as a result of state and federally assisted highway pro-  
4 grams in order that such persons shall not suffer disproportionate in-  
5 juries as a result of programs designed for the benefit of the public  
6 as a whole. The general assembly declares that replacement housing  
7 for persons displaced by highway projects is a necessary and essential  
8 part of such highway projects. This Act shall be known and may be  
9 cited as the "Highway Relocation Assistance Law".

1     **SEC. 4. Moving and related expenses.**

2     1. Whenever the acquisition of real property for a program or proj-  
3 ect undertaken by the commission will result in the displacement of  
4 any person, the commission shall make a payment to any displaced  
5 person, upon proper application as approved by such commission, for:

6     a. Actual reasonable expenses in moving himself, his family, busi-  
7 ness, farm operation, or other personal property;

8     b. Actual direct losses of tangible personal property as a result of  
9 moving or discontinuing a business or farm operation, but not to  
10 exceed an amount equal to the reasonable expenses that would have  
11 been required to relocate such property, as determined by the com-  
12 mission; and

13     c. Actual reasonable expenses in searching for a replacement busi-  
14 ness or farm.

15     2. Any displaced person eligible for payments under subsection  
16 one (1) of this section who is displaced from a dwelling and who  
17 elects to accept the payments authorized by this subsection in lieu of  
18 the payments authorized by subsection one (1) of this section may  
19 receive a moving expense allowance, determined according to a sched-  
20 ule established by the commission not to exceed three hundred dol-  
21 lars; and a dislocation allowance of two hundred dollars.

22     3. Any displaced person eligible for payments under subsection one  
23 (1) of this section who is displaced from his place of business or  
24 from his farm operation and who elects to accept the payment au-  
25 thorized by this subsection in lieu of the payment authorized by sub-  
26 section one (1) of this section, may receive a fixed payment in an  
27 amount equal to the average annual net earnings of the business or  
28 farm operation, except that such payment shall be not less than  
29 two thousand five hundred dollars nor more than ten thousand dollars.  
30 In the case of a business, no payment shall be made under this sub-  
31 section unless the commission is satisfied that the business cannot be

32 relocated without a substantial loss of its existing patronage, and is  
33 not a part of a commercial enterprise having at least one other estab-  
34 lishment not being acquired for a highway project which is engaged  
35 in the same or similar business. For purposes of this subsection, the  
36 term "average annual net earnings" means one-half of any net earn-  
37 ings of the business or farm operation, before federal, state, and local  
38 income taxes, during the two taxable years immediately preceding  
39 the taxable year in which such business or farm operation moves  
40 from the real property acquired for such project, or during such other  
41 period as the commission determines to be more equitable for estab-  
42 lishing such earnings, and includes any compensation paid by the  
43 business or farm operation to the owner, his spouse, or his dependents  
44 during such period.

1       **SEC. 5. Replacement housing for homeowner.**

2       1. In addition to payments otherwise authorized by this Act, the  
3 commission shall make an additional payment not in excess of fifteen  
4 thousand dollars to any displaced person who is displaced from a  
5 dwelling actually owned and occupied by such displaced person for not  
6 less than one hundred eighty days prior to the initiation of negotia-  
7 tions for the acquisition of the property. Such additional payment  
8 shall include the following elements:

9       a. The amount, if any, which when added to the acquisition cost  
10 of the dwelling acquired by the commission, equals the reasonable cost  
11 of a comparable replacement dwelling which is a decent, safe, and  
12 sanitary dwelling adequate to accommodate such displaced person,  
13 reasonably accessible to public services and places of employment and  
14 available on the private market. All determinations required to  
15 carry out this paragraph shall be made in accordance with depart-  
16 mental rules established by the commission in making these additional  
17 payments.

18       b. The amount, if any, which will compensate such displaced per-  
19 son for any increased interest costs which such person is required to  
20 pay for financing the acquisition of any such comparable replacement  
21 dwelling. Such amount shall be paid only if the dwelling acquired by  
22 the commission was encumbered by a bona fide mortgage which was  
23 a valid lien on such dwelling for not less than one hundred and eighty  
24 days prior to the initiation of negotiations for the acquisition of such  
25 dwelling. Such amount shall be equal to the excess in the aggregate  
26 interest and other debt service costs of that amount of the principal  
27 of the mortgage on the replacement dwelling which is equal to the  
28 unpaid balance of the mortgage on the acquired dwelling, over the  
29 remainder term of the mortgage on the acquired dwelling, reduced to  
30 discounted present value. The discount rate shall be the prevailing  
31 interest rate paid on savings deposits by commercial banks in the gen-  
32 eral area in which the replacement dwelling is located.

33       c. Reasonable expenses incurred by such displaced person for evi-  
34 dence of title, recording fees, and other closing costs incident to the  
35 purchase of the replacement dwelling, but not including prepaid ex-  
36 penses.

37       2. The additional payment authorized by this section shall be made  
38 only to such a displaced person who purchases and occupies a replace-  
39 ment dwelling which is decent, safe, and sanitary not later than the  
40 end of the one-year period beginning on the date on which he receives

41 from the commission final payment of all costs of the acquired dwell-  
42 ing, or on the date on which he moves from the acquired dwelling,  
43 whichever is the later date.

1     **SEC. 6. Replacement housing for tenants and certain others.** In  
2 addition to amounts otherwise authorized by this Act, the commission  
3 shall make a payment to or for any displaced person displaced from  
4 any dwelling not eligible to receive a payment under section five (5)  
5 which dwelling was actually and lawfully occupied by such displaced  
6 person for not less than ninety days prior to the initiation of nego-  
7 tiations for acquisition of such dwelling. Such payment shall be  
8 either:

9     1. The amount necessary to enable such displaced person to lease  
10 or rent for a period not to exceed four years, a decent, safe, and sani-  
11 tary dwelling of standards adequate to accommodate such person in  
12 areas not generally less desirable in regard to public utilities and pub-  
13 lic and commercial facilities, and reasonably accessible to his place of  
14 employment, but not to exceed four thousand dollars, or

15     2. The amount necessary to enable such person to make a down  
16 payment, including incidental expenses described in section five (5),  
17 subsection one (1), paragraph c, of this Act, on the purchase of a  
18 decent, safe, and sanitary dwelling of standards adequate to accom-  
19 modate such person in areas not generally less desirable in regard to  
20 public utilities and public and commercial facilities, but not to exceed  
21 four thousand dollars, except that if such amount exceeds two thou-  
22 sand dollars, such person must equally match any such amount in ex-  
23 cess of two thousand dollars, in making the down payment.

1     **SEC. 7. Relocation assistance advisory services.**

2     1. Whenever the acquisition of real property for a highway project  
3 undertaken by the commission will result in the displacement of any  
4 person, the commission shall provide a relocation assistance advisory  
5 program for displaced persons which shall offer the services described  
6 in subsection three (3) of this section. If the commission determines  
7 that any person occupying property immediately adjacent to the real  
8 property acquired is caused substantial economic injury because of the  
9 acquisition, he may offer such person relocation advisory services un-  
10 der such program.

11     2. The commission shall cooperate to the maximum extent feasible  
12 with federal, state or local agencies to assure that such displaced per-  
13 sons receive the maximum assistance available to them.

14     3. Each relocation assistance advisory program required by subsec-  
15 tion one (1) of this section shall include such measures, facilities, or  
16 services as may be necessary or appropriate in order to:

17     a. Determine the need, if any, of displaced persons, for relocation  
18 assistance;

19     b. Provide current and continuing information on the availability,  
20 prices, and rentals, of comparable decent, safe, and sanitary sales and  
21 rental housing, and of comparable commercial properties and locations  
22 for displaced businesses;

23     c. Assure that, within a reasonable period of time, prior to displace-  
24 ment there will be available in areas not generally less desirable in  
25 regard to public utilities and public and commercial facilities and at  
26 rents or prices within the financial means of the families and indi-

27 viduals displaced, decent, safe, and sanitary dwellings, as defined by  
 28 the commission, equal in number to the number of and available to  
 29 such displaced persons who require such dwellings and reasonably  
 30 accessible to their places of employment, except that the commission  
 31 may prescribe by departmental rules situations when such assur-  
 32 ances may be waived;

33 d. Assist a displaced person displaced from his business or farm  
 34 operation in obtaining and becoming established in a suitable replace-  
 35 ment location;

36 e. Supply information concerning federal and state housing pro-  
 37 grams, and other federal or state programs offering assistance to dis-  
 38 placed persons; and

39 f. Provide other advisory services to displaced persons in order to  
 40 minimize hardships to such persons in adjusting to relocation.

41 4. The commission shall coordinate relocation activities with proj-  
 42 ect work, and other planned or proposed governmental actions in the  
 43 community or nearby areas which may affect the carrying out of relo-  
 44 cation assistance programs.

1 **SEC. 8. Housing replacement by commission as last resort.**

2 1. If a highway project cannot proceed to actual construction be-  
 3 cause comparable replacement sale or rental housing is not available,  
 4 and the commission determines that such housing cannot otherwise be  
 5 made available, the commission may take such action as is necessary  
 6 or appropriate to provide such housing by use of funds authorized for  
 7 such project. The commission may let contracts for the construction  
 8 of said housing to approve plans and specifications for the building  
 9 thereof, and to supervise, inspect and approve the housing once con-  
 10 structed in order that the housing so constructed complies with the  
 11 terms and conditions of this Act.

12 2. No person shall be required to move from his dwelling on or  
 13 after July 1, 1971, on account of any highway project, unless the  
 14 commission is satisfied that replacement housing, in accordance with  
 15 section seven (7), subsection three (3), paragraph c, of this Act, is  
 16 available to such person.

1 **SEC. 9. Rules adopted.** The commission shall make departmental  
 2 rules and regulations necessary to effect the provisions of this Act  
 3 and to assure:

4 1. Compliance with the Uniform Relocation Assistance and Real  
 5 Property Acquisition Policies Act of 1970, Public Law 91-646.

6 2. The payments authorized by this Act are fair and reasonable  
 7 and as uniform as practicable.

8 3. A displaced person who makes proper application for a payment  
 9 authorized by this Act is paid promptly after a move or, in hardship  
 10 cases, is paid in advance.

11 4. Any person aggrieved by a determination as to eligibility for a  
 12 payment authorized by this Act, or the amount of a payment, may  
 13 have his application reviewed by the commission.

14 All rules shall be subject to the provisions of chapter seventeen A  
 15 (17A) of the Code.

1 **SEC. 10. Applicable to other than federal aid highways.** The com-  
 2 mission or any political subdivision may provide all or a part of the  
 3 programs and payments authorized under this Act to persons dis-

4 placed by any street or highway project which is financed in whole  
5 or in part by the state or a political subdivision, which is not a fed-  
6 eral-aid project, and which requires the purchase or condemnation of  
7 private property for public use. To the extent that a program or  
8 payment is provided under this section, it shall be provided on a uni-  
9 form basis to all persons so displaced. The commission shall make  
10 departmental rules and regulations to assure reasonable standards,  
11 which need not conform to federal rules and guidelines, for programs  
12 and payments provided under this section.

1 **SEC. 11. Acquisitions by other state agencies and political subdivi-**  
2 **sions.** Whenever real property is acquired by a state agency or a  
3 political subdivision of the state incident to a federal project or pro-  
4 gram, the state agency or political subdivision is hereby authorized  
5 and shall make all payments and provide all services required by this  
6 Act of the commission in order to secure the federal funds available  
7 for such project or program.

1 **SEC. 12. Payments not to be considered as income.** No payment  
2 received under this Act shall be considered as income for the pur-  
3 poses of chapter four hundred twenty-two (422) of the Code.

1 **SEC. 13. Administration.** In order to prevent unnecessary ex-  
2 penses and duplications of functions, and to promote uniform and  
3 effective administration of relocation assistance programs for dis-  
4 placed persons, the commission may enter into contracts with any  
5 individual, firm, association, or corporation for services in connection  
6 with such programs, or may carry out its functions through any gov-  
7 ernmental agency, political subdivision, or instrumentality having  
8 an established organization for conducting relocation assistance pro-  
9 grams. The commission shall, in carrying out the relocation assist-  
10 ance activities described in section eight (8) whenever practicable,  
11 utilize the services of state or local housing agencies, or other agencies  
12 having experience in the administration or conduct of similar housing  
13 assistance activities.

1 **SEC. 14. Funding.** Payments and expenditures under the provi-  
2 sions of this Act are incident to and arise out of the construction,  
3 maintenance, and supervision of public highways and streets, and, in  
4 the case of any federal-aid highway project, may be made by the  
5 commission from the primary road fund and funds made available by  
6 the federal government for the purpose of carrying out the provisions  
7 of this Act. Payments made under authority of section ten (10) of  
8 this Act may be made from the primary road fund in case of a pri-  
9 mary road project only, and in other cases may be made from the sec-  
10 ondary road fund or from appropriate funds under control of a politi-  
11 cal subdivision.

1 **SEC. 15. Federal grants.** The commission may do all things nec-  
2 essary to carry out the provisions of this Act and to secure federal  
3 grants to make the payments required by this Act, but the absence of  
4 federal aid to make such payments shall not discharge the obligation  
5 to make the payments.

1 **SEC. 16.** Chapter three hundred sixteen (316), Code 1971, is re-  
2 pealed.

1 SEC. 17. Section four hundred seventy-two point forty-two  
 2 (472.42), Code 1971, is amended as follows:  
 3 472.42 **Eminent domain—payment to displaced persons.** Any util-  
 4 ity or railroad subject to section 474.10, chapter 490, or chapter  
 5 490A, authorized by law to acquire property by condemnation that  
 6 does acquire the property of any person who is displaced thereby after  
 7 July 1, [1970] *1971*, shall pay to such person in addition to all other  
 8 sums of money required by law a displacement allowance in accord-  
 9 ance with and in the same manner as provided for acquisition for high-  
 10 way projects in sections [316.3, 316.4 and 316.5] *4, 5, 6 and 8 of this*  
 11 *Act*. In the application of said sections to utilities and railroads the  
 12 term “commission” shall mean the Iowa state commerce commission.  
 13 The displacement allowance shall be paid in the manner provided in  
 14 [that chapter] *sections 4, 5, 6 and 8 of this Act* and pursuant to the  
 15 rules and regulations promulgated by the commission. Any person  
 16 aggrieved by a determination as to eligibility for a payment or the  
 17 amount of such payment may, upon application, have the matter re-  
 18 viewed by the commission. The decision of the commission upon re-  
 19 view shall be final as to all parties. Any utility or railroad subject  
 20 to this section that proposes to acquire the property of any person  
 21 who will be displaced by such acquisition shall inform such person  
 22 of his right to receive a displacement allowance and, if his entitle-  
 23 ment thereto or the amount thereof is in dispute, his right of appeal  
 24 to the commission.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 174

### TRAVEL TRAILERS

H. F. 386

AN ACT relating to travel trailers.

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

1 SECTION 1. Section three hundred twenty-one point one (321.1),  
 2 subsection sixty-eight (68), unnumbered paragraph two (2), Code  
 3 1971, is amended as follows:  
 4 “Travel trailer” [or “camping trailer”] means a vehicle without  
 5 motive power used or so manufactured or constructed as to permit its  
 6 being used as a conveyance upon the public streets and highways and  
 7 so designed to permit the vehicle to be used as a place of human habi-  
 8 tation by one or more persons. Said vehicle may be up to eight feet  
 9 in width and [any length provided its gross weight does not exceed  
 10 forty-five hundred pounds which shall be the manufacturer's ship-  
 11 ping or the actual weight of the vehicle fully equipped, or any weight  
 12 provided] its overall length [does] *shall* not exceed [twenty-eight]  
 13 *thirty-two* feet. Such vehicle shall be customarily or ordinarily used  
 14 for vacation or recreational purposes and not used as a place of per-  
 15 manent habitation. If any such vehicle is used in this state as a place  
 16 of human habitation for more than ninety *consecutive* days in *one loca-*  
 17 *tion* [any twelve-month period] it shall be classed as a mobile home  
 18 regardless of the size [and weight] limitations herein provided.

1 SEC. 2. Section three hundred twenty-one point fifty-seven  
2 (321.57), unnumbered paragraph one (1), Code 1971, is amended as  
3 follows:

4 A dealer owning any vehicle of a type otherwise required to be reg-  
5 istered hereunder may operate or move the same upon the highways  
6 solely for purposes of transporting, testing, demonstrating or selling  
7 the same without registering each such vehicle upon condition that  
8 any such vehicle display thereon in the manner prescribed in sections  
9 321.37 and 321.38 a special plate or plates issued to such owner as  
10 provided in sections 321.58 to 321.62, inclusive. In addition to the  
11 foregoing, a new-car dealer or a used-car dealer may operate or move  
12 upon the highways any new or used car *or trailer* owned by him for  
13 either private or business purposes without registering the same pro-  
14 viding, (1) such new or used car *or trailer* is in the dealer's inventory  
15 and is continuously offered for sale at retail, and (2) there is displayed  
16 thereon a special plate or plates issued to such dealer as provided in  
17 sections 321.58 to 321.62, inclusive.

1 SEC. 3. Section three hundred twenty-one point one hundred  
2 twenty-three (321.123), subsection three (3), unnumbered paragraphs  
3 two (2) and three (3), Code 1971, are amended as follows:

4 Travel trailers[, and camping trailers], regardless of whether or  
5 not they are used on the highways, except those in manufacturer's or  
6 dealer's stock, an annual fee of [fifteen] *twenty* cents per square foot  
7 of floor space computed on the exterior *overall* measurements, but ex-  
8 cluding [any area] *three feet* occupied by any trailer hitch as provided  
9 by and certified to by the owner, *to the nearest whole dollar*, which  
10 amount shall not be prorated or refunded; except the annual fee for  
11 travel trailers [or camping trailers], when registered in Iowa for the  
12 first time, shall be prorated on a monthly basis. The registrant of a  
13 travel trailer [or camping trailer] shall be issued a "travel trailer"  
14 plate. It is further provided the annual fee thus computed shall be  
15 limited to seventy-five percent of the full fee after the sixth registra-  
16 tion. *This fee shall become effective December 1, 1971, for the 1972*  
17 *registration.*

18 If a mobile home[,] *or* travel trailer [or camping trailer,] shall  
19 have been registered under the provisions of this chapter at any time  
20 during a calendar year, said mobile home[,] *or* travel trailer [or camp-  
21 ing trailer,] shall not be subject to a personal property tax for said  
22 year.

1 SEC. 4. Section three hundred twenty-one point two hundred  
2 eighty-five (321.285), subsection six (6), Code 1971, is amended as  
3 follows:

4 6. Fifty-five miles per hour for any motor vehicle drawing a one-  
5 or two-wheel trailer or a tandem wheel trailer not more than [twenty-  
6 eight] *thirty-two* feet in length including towing arm [with a gross  
7 weight of not more than four thousand five hundred pounds] and not  
8 more than eight feet in width.

1 SEC. 5. Section three hundred twenty-one point two hundred  
2 eighty-five (321.285), subsection eight (8), unnumbered paragraph  
3 one (1), Code 1971, is amended as follows:

4 Notwithstanding any other speed restrictions, the speed limits for

5 all vehicular traffic, except vehicles subject to the provisions of section  
6 321.286 on fully controlled-access, divided, multilaned highways in-  
7 cluded in, and as a part of, the national system of interstate highways  
8 designated by the federal bureau of public roads and this state [23  
9 U.S.C. 103 (d)]\* shall be seventy-five miles per hour from sunrise to  
10 sunset and sixty-five miles per hour from sunset to sunrise, *except*  
11 *that the speed limit for any motor vehicle drawing a one-wheel or*  
12 *two-wheel trailer or a tandem wheel trailer shall be sixty-five miles*  
13 *per hour.* However, the highway commission or the cities and towns,  
14 with the approval of the highway commission, may establish a lower  
15 speed limit upon such highways located within the corporate limits of  
16 any city or town used as city alternate routes, commonly referred to  
17 as "freeways". For the purposes of this subsection a fully controlled-  
18 access highway is a highway that gives preference to through traffic  
19 by providing access connections with selected public roads only and  
20 by prohibiting crossings at grade or direct private driveway connec-  
21 tions. It is further provided that a minimum speed of forty miles per  
22 hour, road conditions permitting, shall be established on the highways  
23 referred to in this subsection.

1 SEC. 6. Section three hundred twenty-one point four hundred  
2 thirty (321.430), subsection three (3), Code 1971, is amended as fol-  
3 lows:

4 3. Every trailer or semitrailer of a gross weight of three thousand  
5 pounds or more, and every trailer coach *or travel trailer of a gross*  
6 *weight of three thousand pounds or more* intended for use for human  
7 habitation, shall be equipped with brakes adequate to control the move-  
8 ment of and to stop and hold such vehicle, and so designed as to be  
9 applied by the driver of the towing motor vehicle from its cab, or with  
10 self-actuating brakes, [and said brakes shall, after January 1, 1939, be  
11 so designed and connected that in case of an accidental breakaway of  
12 the towed vehicle the brakes shall be automatically applied] *and weight*  
13 *equalizing hitch with a sway control of a type approved by the com-*  
14 *missioner of public safety.* Every semitrailer, *travel trailer, or*  
15 *trailer coach* of a gross weight of three thousand pounds or more shall  
16 be equipped with a separate, auxiliary means of applying the brakes on  
17 the semitrailer, *travel trailer, or trailer coach* from the cab of the tow-  
18 ing vehicle. *This Act shall apply to all new and used travel trailers*  
19 *sold after July 1, 1971 and on all registered travel trailers after De-*  
20 *cember 1, 1973. Trailers or semitrailers with a truck or truck tractor*  
21 *need only comply with the brake requirements.*

Approved July 15, 1971.

\*Reference included in Act.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.



## CHAPTER 175

## REGISTRATION OF MOTOR VEHICLES

H. F. 551

AN ACT relating to registration of motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point twenty  
2 (321.20), subsection two (2), Code 1971, is amended as follows:

3 2. A description of the vehicle including, insofar as the hereinafter  
4 specified data may exist with respect to a given vehicle, the make,  
5 model, type of body, the number of cylinders, *the type of motor fuel*  
6 *used*, the serial number of the vehicle, manufacturer's identification  
7 number, the engine or other number of the vehicle and whether new  
8 or used and if a new vehicle the date of sale by the manufacturer or  
9 dealer to the person intending to operate such vehicle.

Approved April 26, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 176

## MOTOR VEHICLE FEES

H. F. 12

AN ACT relating to motor vehicle fees collected by county treasurers, and to the amount of such fees retained by the county, and to the filing of instruments pertaining to motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point twenty  
2 (321.20), unnumbered paragraph one (1), Code 1971, is amended as  
3 follows:

4 Except as otherwise provided in this chapter, every owner of a  
5 vehicle subject to registration hereunder shall make application to  
6 the county treasurer, of the county of his residence, or to the depart-  
7 ment, if a nonresident, for the registration and issuance of a certifi-  
8 cate of title thereof upon the appropriate form or forms furnished by  
9 the department, accompanied by a fee of [one dollar] *two dollars*,  
10 and every such application shall bear the signature of the owner writ-  
11 ten with pen and ink and said application shall contain:

1 SEC. 2. Section three hundred twenty-one point twenty-three  
2 (321.23), subsection one (1), Code 1971, is amended as follows:

3 1. In the event the vehicle to be registered is a specially constructed,  
4 reconstructed, or foreign vehicle, such fact shall be stated in the appli-  
5 cation. A fee of [one dollar fifty cents] *two dollars* shall be paid by  
6 the person making such application upon issuance of a certificate of  
7 title by the county treasurer. With reference to every specially con-  
8 structed or reconstructed motor vehicle subject to registration the  
9 application shall be accompanied by a statement from the department  
10 authorizing such motor vehicle to be titled and registered in this state.  
11 The department shall cause a physical inspection to be made of all  
12 specially constructed or reconstructed motor vehicles, upon application

13 therefor by the owner thereof, to determine whether such motor vehi-  
14 cle is in a safe operating condition and that the integral component  
15 parts thereof are properly identified and that the rightful ownership  
16 is established before issuing such owner the authority to have the  
17 motor vehicle registered and titled as herein provided. With refer-  
18 ence to every foreign vehicle which has been registered heretofore  
19 outside of this state the owner shall surrender to the treasurer all  
20 registration plates, registration cards, and certificates of title, or, if  
21 vehicle to be registered is from a nontitle state, such evidence of for-  
22 eign registration and ownership as may be prescribed by the depart-  
23 ment except as provided in subsection 2 hereof.

1 SEC. 3. Section three hundred twenty-one point thirty-four  
2 (321.34), unnumbered paragraph four (4), Code 1971, is amended as  
3 follows:

4 The owner of an automobile who holds an amateur radio license  
5 issued by the federal communications commission may, upon written  
6 application to the county treasurer accompanied by a fee of [two]  
7 *five* dollars, order special registration plates bearing the call letters  
8 authorized the radio station covered by his amateur radio license.  
9 When received by the county treasurer, such special registration  
10 plates shall be issued to the applicant in exchange for the registration  
11 plates previously issued to him. Not more than one set of special reg-  
12 istration plates may be issued to an applicant. Said fee shall be in  
13 addition to and not in lieu of the fee for regular registration plates.

1 SEC. 4. Section three hundred twenty-one point forty-two (321.42),  
2 Code 1971, is amended as follows:

3 **321.42. Lost or damaged certificates, cards, and plates.** In the  
4 event any registration card or registration plate is lost, mutilated, or  
5 becomes illegible the owner shall immediately make application for  
6 and may obtain a duplicate upon the applicant furnishing information  
7 satisfactory to the department together with the payment of a fee of  
8 [fifty cents] *two dollars* for each such plate or registration card.

9 In the event of any lost or destroyed certificate of title, application  
10 shall be made to the department by the owner of such vehicle, or the  
11 holder of a lien thereon, for a certified copy of the same upon a form  
12 prescribed by the department and accompanied by a fee of [two] *five*  
13 dollars. Such application shall be signed by the person making the  
14 same. Thereupon the department shall mail a certified copy to the  
15 person entitled to receive the certificate of title as indicated by the  
16 records of the department at his most recent address shown by such  
17 records. Such certified copy shall clearly be marked "duplicate" and  
18 shall be identical in every respect to the original to include notation  
19 upon the face thereon of liens or encumbrances disclosed by the rec-  
20 ords of the department. Upon issuance of title the previous certifi-  
21 cate last issued shall be void. The new purchaser or transferee shall  
22 be entitled to receive an original title upon presentation of the as-  
23 signed duplicate copy to the county treasurer of the county where  
24 such new purchaser or transferee resides. Any purchaser of such  
25 vehicle may, at the time of purchase, require the seller of same to in-  
26 demnify him and all subsequent purchasers of such vehicle against any  
27 loss which he or they may suffer by reason of any claim or claims pre-  
28 sented upon the original certificate. Any person recovering an origi-

29 nal certificate of title for which a duplicate has been issued shall forth-  
30 with surrender the same to a county treasurer or the department.

1 SEC. 5. Section three hundred twenty-one point forty-six (321.46),  
2 unnumbered paragraph two (2), Code 1971, is amended as follows:  
3 Upon filing the application for a registration transfer and a new  
4 title, the applicant shall pay a fee of [one dollar] *two dollars*. The  
5 county treasurer, if satisfied of the genuineness and regularity of the  
6 application and that applicant has complied with all the requirements  
7 of this chapter, shall forthwith issue a new certificate of title and reg-  
8 istration card to the purchaser or transferee and shall forward the  
9 necessary copies to the department on the date of issuance, as pre-  
10 scribed in section 321.24.

1 SEC. 6. Section three hundred twenty-one point forty-six (321.46),  
2 Code 1971, is amended by adding thereto the following new paragraph:  
3 The seller or transferor may file an affidavit on forms prescribed  
4 and provided by the department with the county treasurer of the  
5 county where the vehicle is registered certifying the sale or transfer  
6 of ownership of such vehicle and the assignment and delivery of the  
7 certificate of title for such vehicle. Upon receipt of such affidavit the  
8 county treasurer shall file such affidavit with the copy of the regis-  
9 tration receipt for such vehicle on file in his office and on that day he  
10 shall forward copies of the affidavit to the department and to the  
11 county treasurer of the county of residence of the purchaser or trans-  
12 feree. Upon filing such affidavit it shall be presumed that the seller or  
13 transferor has assigned and delivered the certificate of title for such  
14 vehicle.

1 SEC. 7. Section three hundred twenty-one point forty-seven  
2 (321.47), Code 1971, is amended as follows:  
3 **321.47 Transfers by operation of law.** In the event of the trans-  
4 fer of ownership of any vehicle by operation of law as upon inherit-  
5 ance, devise or bequest, order in bankruptcy, insolvency, replevin, fore-  
6 closure or execution sale, or whenever the engine of a motor vehicle  
7 is replaced by another engine, or whenever a vehicle is sold to satisfy  
8 an artisan's lien as provided in chapter 577, or is sold to satisfy a  
9 landlord's lien as provided in chapter 570, or a storage lien as provided  
10 in chapter 579, or repossession is had upon default in performance of  
11 the terms of a security agreement, the treasurer of the county in  
12 which the last certificate of title to any such vehicle was issued, upon  
13 the surrender of the prior certificate of title or the manufacturer's or  
14 importer's certificate, or when that is not possible, upon presentation  
15 of satisfactory proof to the county treasurer of ownership and right  
16 of possession to such vehicle and upon payment of a fee of [one dollar  
17 fifty cents] *two dollars* and the presentation of an application for reg-  
18 istration and certificate of title, may issue to the applicant a regis-  
19 tration card for such vehicle and a certificate of title thereto. The  
20 person or persons entitled under the laws of descent and distribution  
21 of an intestate's property to the possession and ownership of a vehicle  
22 owned in whole or in part by a decedent, upon filing an affidavit stating  
23 the name and date of death of the decedent, the right to possession  
24 and ownership of the persons filing said affidavit, and that there has  
25 been no administration of the said decedent's estate, which instru-

26 ment shall also contain an agreement to indemnify any creditors of  
27 the decedent who would be entitled to levy execution upon said motor  
28 vehicle to the extent of the value of said motor vehicle, shall be en-  
29 titled upon fulfilling the other requirements of this chapter, to the  
30 issuance of a registration card for the interest of the decedent in such  
31 vehicle and a certificate of title thereto. No requirement of either  
32 chapter 450 or 451 shall be considered satisfied by the filing of the  
33 affidavit provided for in this section. If, from the records in the  
34 office of the county treasurer, there appear to be any lien or liens on  
35 such vehicle, such certificate of title shall contain a statement of such  
36 liens unless the application is accompanied by proper evidence of  
37 their satisfaction or extinction. Evidence of extinction may consist  
38 of, but is not limited to, an affidavit of the applicant stating that a  
39 security interest was foreclosed as provided in Uniform Commercial  
40 Code, chapter 554, article 9, part 5.

1 SEC. 8. Section three hundred twenty-one point forty-eight  
2 (321.48), subsection two (2), Code 1971, is amended as follows:

3 2. Any foreign registered vehicle purchased or otherwise acquired  
4 by a dealer for the purpose of resale shall be issued a certificate of  
5 title thereto by the county treasurer of the dealer's residence upon  
6 proper application therefor as provided in this chapter and upon  
7 payment of a fee of [one dollar fifty cents] *two dollars* and such dealer  
8 shall be exempt from the payment of any and all registration fees for  
9 such vehicle. Such application for certificate of title shall be made  
10 within forty-eight hours after said vehicle comes within the border of  
11 the state.

1 SEC. 9. Section three hundred twenty-one point fifty (321.50), sub-  
2 section one (1), Code 1971, is amended as follows:

3 1. A security interest in a vehicle subject to registration under the  
4 laws of this state, except trailers whose empty weight is two thousand  
5 pounds or less, and wagon box trailers subject to a registration fee  
6 of five dollars or less, and new or used vehicles held by a dealer or  
7 manufacturer as inventory for sale, is perfected by the delivery to  
8 the county treasurer of the county where the certificate of title was  
9 issued or, in the case of a new certificate, to the county treasurer  
10 where the certificate will be issued of an application for certificate of  
11 title which lists such security interest, or an application for notation  
12 of security interest signed by the owner, or a certificate of title from  
13 another jurisdiction which shows such security interest, and a fee  
14 of [one dollar] *two dollars* for each security interest shown. If the  
15 owner or secured party is in possession of the certificate of title, it  
16 must also be delivered at this time in order to perfect the security  
17 interest. If a vehicle is subject to a security interest when brought  
18 into this state, the validity of the security interest and the date of  
19 perfection is determined by the Uniform Commercial Code, section  
20 554.9103.

1 SEC. 10. Section three hundred twenty-one point fifty (321.50),  
2 Code 1971, is amended by adding thereto the following new subsection:

3 Any person obtaining possession of a certificate of title for a vehi-  
4 cle not already subject to a perfected security interest, except new  
5 or used vehicles held by a dealer or manufacturer as inventory for  
6 sale, who purports to have a security interest in such vehicle shall,

7 within thirty days from the receipt of the certificate of title, deliver  
8 such certificate of title to the county treasurer of the county where it  
9 was issued to note such security interest and, if such person fails to  
10 do so, his purported security interest in the vehicle shall be void and  
11 unenforceable and such person shall forthwith deliver the certificate  
12 of title to the county treasurer of the county where it was issued. If  
13 no security interest has been filed for notation on the certificate of  
14 title, the certificate shall be mailed by the treasurer to the owner of  
15 the vehicle. For purposes of determining the commencement date of  
16 the thirty-day period provided by this subsection, it shall be presumed  
17 that the purported security interest holder received the certificate of  
18 title on the date of the creation of his purported security interest in  
19 the vehicle or the date of the issuance of the certificate of title, which-  
20 ever is the latter. Any person collecting a fee from the owner of the  
21 vehicle for the purpose of perfecting a security interest in such vehi-  
22 cle who does not cause such security interest to be noted on the cer-  
23 tificate of title by the county treasurer shall remit such fee to the  
24 department of revenue of this state.

1 SEC. 11. Section three hundred twenty-one point one hundred five  
2 (321.105), Code 1971, is amended by adding at the end of the second  
3 unnumbered paragraph the following:

4 Any owner may, when applying for registration or reregistration  
5 of his motor vehicle or trailer, request that the plates be mailed to  
6 his post office address. His request shall be accompanied by a mailing  
7 fee as determined annually by the commissioner of public safety. Said  
8 fee shall be deposited in the county general fund.

1 SEC. 12. Section three hundred twenty-one point one hundred nine  
2 (321.109), subsection one (1), Code 1971, is amended as follows:

3 1. The annual fee for all motor vehicles including vehicles desig-  
4 nated by manufacturers as station wagons, except motor trucks,  
5 hearses, motorcycles, and motor bicycles, shall be equal to one per-  
6 cent of the value as fixed by the department plus forty cents for each  
7 one hundred pounds or fraction thereof of weight of vehicle, as fixed  
8 by the department. The weight of a motor vehicle, fixed by the depart-  
9 ment for registration purposes, shall include the weight of a battery,  
10 heater, bumpers, spare tire, and wheel. Provided, however, that for  
11 any new vehicle purchased in this state by a nonresident for removal  
12 to his state of residence the purchaser may make application to the  
13 county treasurer in the county of purchase for a transit plate for  
14 which a fee of five dollars shall be paid. And provided, however, that  
15 for any used vehicle held by a registered dealer and not currently  
16 registered in this state, or for any vehicle held by an individual and  
17 currently registered in this state, when purchased in this state by a  
18 nonresident for removal to his state of residence, the purchaser may  
19 make application to the county treasurer in the county of purchase  
20 for a transit plate for which a fee of three dollars shall be paid. The  
21 county treasurer shall issue a nontransferable certificate of registra-  
22 tion for which no refund shall be allowed; and the transit plates shall  
23 be void thirty days after issuance. Such purchaser may apply for a  
24 certificate of title by surrendering the manufacturer's or importer's  
25 certificate or certificate of title, duly assigned as provided in this  
26 chapter. In this event, the treasurer in the county of purchase shall,

27 when satisfied with the genuineness and regularity of the application,  
28 and upon payment of a fee of [seventy-five cents] *two dollars*, issue a  
29 certificate of title in the name and address of such nonresident pur-  
30 chaser delivering the same to the person entitled thereto as provided  
31 in this chapter.

1 SEC. 13. Section three hundred twenty-one point one hundred  
2 forty-five (321.145), Code 1971, is amended as follows:

3 321.145 **Disposition.** The money, except fines and forfeitures, and  
4 except operator's and chauffeur's license fees, *certificate of title fees*  
5 *and lien or encumbrance notation fees* collected pursuant to the pro-  
6 visions of this chapter shall be credited by the treasurer of state to  
7 the following funds:

8 1. Three percent of the gross fees and penalties thereon[,] to the  
9 general fund of the state.

10 2. The balance of said money, less the collection fees [of fifty cents]  
11 retained by the county treasurer *pursuant to section 321.152* [on each  
12 registration,] and less the one percent received by the department as  
13 a reimbursement fund from which to pay refunds, to the road use tax  
14 fund.

15 *The treasurer of state shall credit certificate of title fees, and lien*  
16 *or encumbrance fees, to the general fund of the state, less the fees*  
17 *retained by the county treasurer pursuant to section 321.152.*

1 SEC. 14. Section three hundred twenty-one point one hundred  
2 fifty-two (321.152), Code 1971, is amended as follows:

3 321.152 **Fee for county.** Each county treasurer shall be allowed  
4 to retain[, for the use and benefit of the county general fund, seventy-  
5 five cents for each vehicle registration issued by him out of money  
6 collected in each year for the registration of such vehicles and sixty-  
7 five cents for each certificate of title and sixty-five cents for each nota-  
8 tion of a lien or encumbrance when a fee therefor is prescribed by  
9 the provisions of this chapter, the same to] *for deposit in the county*  
10 *general fund, seventy-five cents for each annual vehicle registration*  
11 *and each duplicate registration card or plate issued; sixty-five per-*  
12 *cent of all fees collected for certificates of title and notations of lien*  
13 *or encumbrance; and one dollar for each duplicate certificate of title.*  
14 *The moneys retained shall be deducted, and reported to the depart-*  
15 *ment, when the county treasurer transfers the money collected under*  
16 *the provisions of this chapter; provided, however, that no such deduc-*  
17 *tion shall be lawful unless the county treasurer has complied with the*  
18 *provisions of sections 321.24 and 321.153.*

1 SEC. 15. Section three hundred thirty-five point eighteen (335.18),  
2 Code 1971, is amended as follows:

3 335.18 **Real estate liens filed with recorder.**

4 1. Notices of liens upon real property for taxes payable to the  
5 United States, and certificates and notices affecting the liens shall be  
6 filed in the office of the recorder of the county in which the real  
7 property subject to a federal tax lien is situated.

8 2. Notices of liens upon personal property, whether tangible or in-  
9 tangible, *other than vehicles for which a certificate of title is re-*  
10 *quired under the provisions of chapter 321,* for taxes payable to the  
11 United States and certificates and notices affecting the liens shall be  
12 filed as follows:

13 a. If the person against whose interest the tax lien applies is a  
14 corporation or a partnership whose principal executive office is in  
15 this state, as these entities are defined in the internal revenue laws of  
16 the United States, in the office of the secretary of state.

17 b. In all other cases, in the office of the recorder of the county  
18 where the taxpayer resides at the time of filing of the notice of lien.

19 3. *In the event a lien encumbers a vehicle for which a certificate of*  
20 *title is required under the provisions of chapter 321, a security interest*  
21 *in such vehicle is perfected by the delivery of federal notice of attach-*  
22 *ment to the county treasurer of the county where the certificate of*  
23 *title was issued and it shall take priority according to the order of time*  
24 *in which the same is placed on the certificate of title for the vehicle*  
25 *to which said lien applies by the county treasurer and as provided in*  
26 *sections 321.45 and 321.50. The county treasurer shall note such lien*  
27 *without fee.*

Approved April 29, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 177

### MOTOR VEHICLE REGISTRATION PLATES

S. F. 433

AN ACT to provide for annual validation of motor vehicle registration plates.

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

1 SECTION 1. Section three hundred twenty-one point thirty-four  
2 (321.34), unnumbered paragraph three (3), Code 1971, is amended  
3 as follows:

4 In lieu of issuing new registration plates each year for a vehicle  
5 renewing registration, the department may reassign the registration  
6 plates previously issued to such vehicle and may adopt and prescribe  
7 [a distinctive type of emblem] *an annual validation sticker* indicating  
8 payment of registration fee, which [emblem shall be displayed in the  
9 upper right hand corner of the windshield of the vehicle for which it  
10 is issued or it may prescribe corner plates to] *annual validation*  
11 *sticker shall be attached to said registration plates bearing the numer-*  
12 *als indicating the year for which the original plates are validated.*

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 178

### MOTOR VEHICLE ODOMETERS

S. F. 250

AN ACT relating to the changing and regulation of mileage measurements contained on motor vehicle odometers and providing penalties for violating the Act.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,  
2 is amended by adding the following new section:

- 3 "1. For the purposes of this section the following words and  
4 phrases shall have the meanings respectively ascribed to them:  
5 a. 'Intent and purpose of this section' is and shall mean to achieve  
6 the end that odometers of motor vehicles shall at all times correctly  
7 show the true mileage that the motor vehicle has been driven.  
8 b. 'True mileage' is the mileage driven by the motor vehicle as  
9 registered by the odometer within the manufacturer's designed toler-  
10 ance.
- 11 2. No person shall knowingly tamper with, adjust, alter, change,  
12 set back, disconnect or fail to connect the odometer of any motor  
13 vehicle, or cause any of the foregoing to occur to an odometer of a  
14 motor vehicle, so as to reflect a lower mileage than the true mileage  
15 driven by the motor vehicle.
- 16 3. No person shall conspire with any other person to evade the  
17 intent and purpose of this section.
- 18 4. No person shall with the intent to defraud operate a motor  
19 vehicle on any street or highway knowing that the odometer of the  
20 motor vehicle is disconnected or nonfunctional.
- 21 5. No person shall advertise for sale, sell, use or install on any  
22 part of a motor vehicle or on any odometer in a motor vehicle any  
23 device which causes the odometer to register any mileage other than  
24 the true mileage.
- 25 6. In the event any odometer is repaired or replaced, the reading  
26 of the repaired or replaced odometer shall be set at the reading of  
27 the odometer repaired or replaced immediately prior to repair or  
28 replacement, and the adjustment shall not be deemed a violation of  
29 any provision of this section.
- 30 7. No certificate of title shall be issued for a motor vehicle which  
31 was equipped with an odometer by the manufacturer unless the state-  
32 ment required in subsection eight (8) of this section has been fur-  
33 nished by the transferor. However a certificate of title may be  
34 issued for a motor vehicle to a person who moves into this state if  
35 such person acquired ownership of the motor vehicle prior to moving  
36 to this state.
- 37 8. Except where a transfer is made by operation of law as set out  
38 in section three hundred twenty-one point forty-seven (321.47) of  
39 the Code, the transferor of any motor vehicle of a model year sub-  
40 sequent to the model year 1968, which was equipped with an odom-  
41 eter by the manufacturer, shall provide to the buyer a statement  
42 signed by the transferor which shall set forth the mileage on the  
43 odometer at the time of transfer and which shall state that to the  
44 transferor's best knowledge the belief it is the true mileage. If the  
45 transferor has knowledge that the mileage shown on the odometer  
46 is not the true mileage traveled by the motor vehicle, he shall so  
47 indicate on the statement and he shall state the true mileage to his  
48 best knowledge and belief. The statement required in this subsection  
49 and in subsection nine (9) of this section shall be on the application  
50 for certificate of title or on a form prescribed and provided by the  
51 department and shall be submitted with the application for certificate  
52 of title. The new certificate of title issued in the name of the buyer  
53 shall have the mileage recorded on the face thereof.
- 54 9. Any nonresident of the state furnishing a statement required  
55 by subsection eight (8) shall also include in that statement a clause



56 consenting to jurisdiction of the department of public safety in any  
57 hearing held under the provisions of this section.

58 10. In the event any person for himself or as agent for a trans-  
59 feror makes a false statement under the provisions of this section,  
60 a statement of such person or the transferor or any other person  
61 acting as agent of the transferor shall not be accepted in connection  
62 with any application for a certificate of title for a period of at least  
63 twenty days but not more than one year as provided in an order  
64 entered by the department after hearing thereon as hereinafter  
65 provided.

66 11. In the event any person shall conspire with another to effect  
67 a transfer of title by any plan of evasion of the intent and purpose  
68 of this section, a statement of such person or of the transferor or  
69 of any other person acting as agent for the transferor shall not be  
70 accepted in connection with any application for certificate of title  
71 for a period of at least twenty days but not more than one year as  
72 provided in an order entered by the department after hearing thereon  
73 as provided in this section.

74 12. An Iowa licensed motor vehicle dealer shall not have in his  
75 possession as inventory for sale any used motor vehicle acquired by  
76 the dealer after the effective date of this Act for which he does not  
77 have in his possession a statement from his transferor as provided  
78 in subsections eight (8) and nine (9) of this section unless a cer-  
79 tificate of title has been issued for such vehicle in the name of the  
80 dealer.

81 13. In the event that the department determines that a hearing  
82 should be held under the provisions of this section, the department  
83 shall give written notices of the time and place of hearing to the  
84 transferor at the transferor's address as shown in the application  
85 for transfer of title and to all other persons to whom the department  
86 directs, which notice shall be sent by certified or registered mail.

87 14. Upon hearing the department shall determine whether there  
88 has been a violation of any provision of this section, and if the  
89 department finds that any person whom it has notified of the hear-  
90 ing is guilty of a violation of any provision of this section, the  
91 department may enter an order denying the right of any such person  
92 to file a statement under subsection eight (8) of this section for a  
93 period of at least twenty days but not more than one year as deemed  
94 appropriate by the department under the facts and circumstances of  
95 the case. Upon entry of such order, the department shall send  
96 copies of the order to the county treasurer of the counties of this  
97 state as the department determines should be so notified.

98 15. A transferee of a motor vehicle reassigning the certificate of  
99 title to such motor vehicle pursuant to the provisions of subsection  
100 one (1) of section three hundred twenty-one point forty-eight  
101 (321.48) of the Code shall not be guilty of a violation of this section  
102 if such transferee has in his possession the statement signed by his  
103 transferor as required by subsection eight (8) of this section and if  
104 he has no knowledge that the statement is false and that he has no  
105 knowledge that the odometer does not reflect the true mileage of  
106 such motor vehicle.

107 16. Any person who violates the provisions of this section shall  
108 be punished by a fine of not less than four hundred dollars and not

109 more than one thousand dollars or by imprisonment in the county  
 110 jail for a period not to exceed ninety days, or punished by both such  
 111 fine and imprisonment.”

Approved April 10, 1971.

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## CHAPTER 179

### MOTOR VEHICLE ODOMETERS

S. F. 571

AN ACT relating to the effective date of the act regulating motor vehicle odometers.

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

1 SECTION 1. Senate file 250, Acts of the Sixty-fourth General  
 2 Assembly, First Session, is amended by adding the following new sec-  
 3 tion:

4 “SEC. 2. This Act shall take effect January 1, 1972.”

Approved June 30, 1971.

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## CHAPTER 180

### DRIVERS LICENSES OF MILITARY VETERANS

H. F. 479

AN ACT relating to the extension of operators' and chauffeurs' licenses for persons separated from military service.

*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 1971, is amended as follows:  
 3 **321.198 Military service exception.** The effective date of a valid  
 4 operator's license and of a valid chauffeur's license to the extent that  
 5 it permits the operation of a motor vehicle as an operator, issued  
 6 under the laws of this state, held by any person at the time of enter-  
 7 ing the military service of the United States or of the state of Iowa  
 8 notwithstanding the expiration of such license according to its terms,  
 9 is hereby extended without fee until six months following the [dis-  
 10 charge] *initial separation from active duty* of such person from the  
 11 military service, provided such [discharge is honorable and such]  
 12 person is not suffering from such physical disabilities as to impair his  
 13 competency as an operator and provided further that such licensee  
 14 shall upon demand of any peace officer furnish satisfactory evidence  
 15 of his military service. However, no person entitled to the benefits  
 16 of this section, charged with operating a motor vehicle without an  
 17 operator's license, shall be convicted if he produces in court, within  
 18 a reasonable time, a valid operator's or chauffeur's license thereto-  
 19 fore issued to him along with evidence of his military service as  
 20 above mentioned.

21 The department is hereby authorized to renew any operator's license  
 22 falling within the provisions and limitations of the preceding para-

23 graph, without examination, upon application and payment of fee  
 24 made within six months following [discharge] *separation* from the  
 25 military service.

26 The provisions of this section shall also apply to the spouse and chil-  
 27 dren or ward of such military personnel when such spouse, children  
 28 or ward are living with the above described military personnel out-  
 29 side of the state of Iowa and provided that such extension of license  
 30 does not exceed five years.

Approved May 24, 1971.

## CHAPTER 181†

### DRIVING PERMITS UNLAWFULLY USED

H. F. 82

AN ACT providing a penalty for the unlawful use of temporary and instructional driving permits.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
 2 sixteen (321.216), Code 1971, is amended as follows:

3 **321.216 Unlawful use of license.** It is a misdemeanor, punishable  
 4 as provided in section 321.482 unless another punishment is otherwise  
 5 provided, for any person:

6 1. To display or cause or permit to be displayed or have in his  
 7 possession any canceled, revoked, suspended, fictitious or fraudulently  
 8 altered temporary driver's permit, temporary instruction permit,  
 9 operator's license, or chauffeur's license.

10 2. To lend his temporary driver's permit, temporary instruction  
 11 permit, operator's license, or chauffeur's license to any other person  
 12 or knowingly permit the use thereof by another.

13 3. To display or represent as one's own any temporary driver's per-  
 14 mit, temporary instruction permit, operator's license, or chauffeur's  
 15 license not issued to him.

16 4. To fail or refuse to surrender to the department upon its lawful  
 17 demand any temporary driver's permit, temporary instruction per-  
 18 mit, operator's license, or chauffeur's license which has been suspended,  
 19 revoked, or canceled.

20 5. To use a false or fictitious name in any application for a tem-  
 21 porary driver's permit, temporary instruction permit, operator's  
 22 license, or chauffeur's license or to knowingly make a false statement  
 23 or to knowingly conceal a material fact or otherwise commit a fraud  
 24 in any such application.

25 6. To permit any unlawful use of a temporary driver's permit, tem-  
 26 porary instruction permit, operator's license, or chauffeur's license  
 27 issued to him.

Approved March 25, 1971.

†See Editor's note, page iii.

## CHAPTER 182

## SNOW ROUTES IN MUNICIPALITIES

S. F. 353

AN ACT relating to powers of local authorities to designate snow routes and regulate traffic thereon.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
2 thirty-six (321.236), Code 1971, is amended by adding the following  
3 new subsection:

4 "Designating highways or portions of highways as snow routes.  
5 When conditions of snow or ice exist on the traffic surface of a desig-  
6 nated snow route, it is unlawful for the driver of a vehicle to impede  
7 or block traffic if the driving wheels of the vehicle are not equipped  
8 with snow tires, tire chains or a nonslip differential. 'Snow tires' as  
9 used in this subsection means tires designed for use when there are  
10 conditions of snow or ice on the highways, and meeting the require-  
11 ments which shall be promulgated by rule of the commissioner of  
12 public safety.

13 Said rules shall be based on tests of tire tread designs and depth of  
14 remaining tread of worn tires which will be effective in moving motor  
15 vehicles through snow of up to six inches in depth. Any person  
16 charged with impeding or blocking traffic for lack of snow tires,  
17 chains or nonslip differential shall have said charge dismissed upon a  
18 showing to the court that his motor vehicle was equipped with a non-  
19 slip differential."

1 SEC. 2. Section three hundred twenty-one point two hundred  
2 thirty-seven (321.237), Code 1971, is amended as follows:

3 **321.237 Posting signs—snow removal.** No ordinance or regulation  
4 enacted under subsections 4, 5, 6 or 8 of section 321.236, *or section 1*  
5 *of this Act*, shall be effective until signs, giving notice of such local  
6 traffic regulations *as specified in the state highway commission manual*  
7 *on uniform traffic control devices*, are posted upon or at the entrances  
8 to the highway or part thereof affected as may be most appropriate  
9 and shall be erected at the expense of such municipality.

10 When a city or town has adopted an ordinance *as authorized in sec-*  
11 *tion 1 of this Act or an ordinance* which prohibits standing or parking  
12 of vehicles upon a street or streets during any time when snow-  
13 removal operations are in progress and before such operations have  
14 resulted in the removal or clearance of snow from such street or  
15 streets, signs [bearing the legend "No Parking During Snow Re-  
16 moval"] *as specified in the above manual*, posted as hereinabove  
17 provided, shall be deemed sufficient notice of the existence of such  
18 restrictions.

Approved April 15, 1971.

## CHAPTER 183

## MOTOR VEHICLE INSPECTION

S. F. 297

AN ACT relating to motor vehicle inspection and safety and relating to registration certificates and containers, and providing penalties for violation of the Act.

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

- 1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,  
2 is amended by adding the following new sections:
- 3 1. "The commissioner may grant permits for the operation of  
4 vehicle inspection stations authorized to issue official certificates of  
5 inspection of vehicles. The commissioner may adopt such rules and  
6 regulations, subject to the provisions of chapter seventeen A (17A)  
7 of the Code, as shall be necessary for the efficient operation and  
8 maintenance of vehicle inspection stations."
- 9 2. "Application for an authorized inspection station permit shall  
10 be made upon forms provided by the commissioner. The biennial  
11 fee for an inspection station permit shall be five dollars. The fee  
12 shall be submitted with the application for the permit."
- 13 3. "Upon determining that the inspection station of an applicant  
14 for an authorized inspection station permit is properly equipped,  
15 has competent personnel to conduct vehicle inspections, and can  
16 properly conduct such inspections, the commissioner shall grant such  
17 permit."
- 18 4. "The commissioner shall:
- 19 1. Supervise and cause inspections to be made of each vehicle in-  
20 spection station issued a permit and if he finds that any station is  
21 not properly equipped or that inspections are not being properly  
22 conducted shall revoke and require the surrender of the permit issued  
23 to the station. Notice of revocation shall be by certified mail, return  
24 receipt requested, addressed to the address for which the permit was  
25 granted. Revocation shall be effective ten days after the date of  
26 mailing of such notice unless the permit holder shall request a  
27 hearing before the commissioner on the order revoking the permit.  
28 If upon hearing the commissioner does not reverse the order of revo-  
29 cation the revocation shall be immediately effective unless revoca-  
30 tion is enjoined by court action.
- 31 2. Provide instructions and all necessary forms to authorized in-  
32 spection stations for the inspection of vehicles and the issuance of  
33 official certificates of inspection.
- 34 3. Maintain and post at the office of the department lists of all  
35 stations holding permits and of stations whose permits have been  
36 revoked."
- 37 5. "No permit for an official inspection station shall be assigned  
38 or transferred or used at any location other than the location desig-  
39 nated in the permit and each authorized inspection station shall post  
40 its permit in a conspicuous place at the designated location of the sta-  
41 tion."
- 42 6. "Official certificates of inspection shall be purchased by in-  
43 spection stations from the department at a cost of twenty-five cents  
44 per certificate. A permit holder shall receive a credit or a refund,  
45 to be paid from the motor vehicle inspection fund, created by this

46 Act, in the amount of twenty-five cents for each unused certificate  
47 returned to the department.”

48 7. “No person shall make, issue, or knowingly use any imitation or  
49 counterfeit of an official certificate of inspection. No person shall  
50 display or cause or permit to be displayed upon any vehicle any  
51 certificate of inspection knowing the certificate to be fictitious, or  
52 issued for another vehicle, or issued without an inspection having  
53 been made. No person shall issue an official certificate of inspection  
54 who does not hold a valid permit for the issuance of such certifi-  
55 cate.”

56 8. “The fee for inspection, including the issuance of the certificate  
57 of inspection, shall be uniform and shall be established by the com-  
58 missioner. The fee shall be a reasonable and just charge based upon  
59 the average cost and time necessary to perform the inspection, and  
60 shall be retained by the inspection station. No inspection station  
61 shall absorb the inspection fee, or advertise or represent in any  
62 manner that the fee or any part of the fee is directly or indirectly  
63 absorbed by the station, nor shall any inspection station charge a  
64 fee for inspection services under this Act in an amount other than  
65 the fees herein provided.”

66 9. “All fees collected by the department under the provisions of  
67 this Act shall be remitted monthly to the treasurer of state. The  
68 moneys remitted shall be placed by the treasurer of state in a spe-  
69 cial fund to be known as the motor vehicle inspection fund and shall  
70 be used to defray the cost of administering the provisions of this  
71 Act. Any balance remaining in the motor vehicle inspection fund at  
72 the end of each fiscal year shall revert to the general fund of the  
73 state on the thirtieth day of September following the end of the  
74 fiscal year.”

75 10. “In making a vehicle inspection, the inspection station shall  
76 inspect such of the following equipment as is applicable to the vehi-  
77 cle: brakes, lights, turning signals, steering, sound devices, glass,  
78 mirrors, exhaust system, windshield wipers, seat belts, tires and  
79 such other safety equipment as may be prescribed for inspection  
80 under rules and regulations adopted by the commissioner. The in-  
81 spection station shall also inspect each motor vehicle to ascertain  
82 that none of the factory installed emission control devices have  
83 been removed or rendered inoperable.

84 Upon completion of inspection of a vehicle and determination that  
85 its equipment is in adequate condition and proper adjustment to  
86 warrant issuance of a certificate of inspection, the inspection station  
87 which has made the inspection shall affix an official certificate of in-  
88 spection to such vehicle in the manner specified by the commissioner.  
89 Except as otherwise provided, the certificate shall be valid for the  
90 period commencing with the calendar month of issue and ending at  
91 midnight on the last day of the twelfth calendar month following  
92 the month of issue and shall not be valid thereafter.”

93 11. “If an inspection discloses the necessity for repairs, the  
94 owner of the vehicle or person having custody thereof shall be so  
95 notified. Repairs and adjustments need not be made at the inspec-  
96 tion station which has made the inspection and if the owner or per-  
97 son having custody of the vehicle elects not to have the repairs or  
98 adjustments made at that time a certificate of rejection shall be

99 affixed to the vehicle. If an official certificate of inspection has been  
100 affixed to the vehicle which is valid on the date of rejection, the  
101 certificate of inspection shall no longer be valid even though the  
102 period for which it was issued has not expired and the inspection  
103 station shall remove the certificate. After correction of the stated de-  
104 fects, the inspection station which made the inspection shall reinspect  
105 the vehicle once without additional charge if requested so to do within  
106 fifteen days after its issuance of the rejection certificate.

107 The owner or other person having custody of the vehicle shall  
108 have such repairs made or defects corrected as are required by the  
109 rejection certificate within fifteen days from the date of the rejec-  
110 tion certificate. A vehicle for which the repairs are not made or  
111 defects not corrected, shall not thereafter be operated on the streets  
112 or highways until a valid certificate of inspection has been obtained  
113 and affixed to the vehicle."

114 12. "After December 31, 1971, every motor vehicle subject to  
115 registration under the laws of this state, except motor vehicles  
116 registered under section three hundred twenty-one point one hun-  
117 dred fifteen (321.115) of the Code, when first registered in this  
118 state or when sold at retail within or without this state, shall be  
119 inspected at an authorized inspection station unless there is affixed  
120 to the motor vehicle a valid certificate of inspection which was  
121 issued for such motor vehicle not more than thirty days prior to the  
122 date on which such vehicle was sold. If the motor vehicle is subject  
123 to inspection, the authorized inspection station shall issue and affix  
124 a valid certificate of inspection or certificate of rejection, as the  
125 case may be, in accordance with the results of the inspection. The  
126 applicant shall file with an application for title to the vehicle or for  
127 registration thereof under the provisions of subsection two (2) or  
128 three (3) of section three hundred twenty-one point two-three  
129 (321.23) of the Code, with the county treasurer of the county of  
130 his residence, a statement on a form provided by the commissioner,  
131 signed by an authorized inspection station certifying the date that  
132 a certificate of inspection was issued for and affixed to the vehicle.  
133 The county treasurer shall not issue a title to the vehicle to the  
134 applicant or register the vehicle unless such statement is filed with  
135 the application showing that the inspection of the vehicle was made  
136 not more than thirty days prior to the date of sale. The county  
137 treasurer shall mail the statement of inspection to the department  
138 at the time of mailing copies of the registration receipt."

139 13. "After December 31, 1971, any peace officer who makes an  
140 investigation of an accident may direct that any motor vehicle in-  
141 volved in the accident shall be inspected at an official inspection sta-  
142 tion within the time fixed by such peace officer."

143 14. "The commissioner may authorize the acceptance in this state  
144 of a certificate of inspection issued in another state having an inspec-  
145 tion law substantially similar to the provisions of this chapter per-  
146 taining to vehicle inspection."

147 15. "Any holder of or an applicant for a permit for an authorized  
148 vehicle inspection station, if aggrieved by the ruling of the commis-  
149 sioner revoking a permit or denying an application for a permit  
150 may, within ten days of such ruling, take an appeal to the district  
151 court for the county in which the inspection station is located or

152 to the district court for Polk county.”

153 16. “The inspection of any vehicle and issuance of a certificate of  
154 inspection shall not be construed in any court as a warranty of the  
155 mechanical condition of the vehicle, and the failure to discover any  
156 defect in any vehicle in the course of an inspection under the pro-  
157 visions of this Act shall not be made the basis of an action for dam-  
158 ages in any court.”

159 17. “It is a misdemeanor for any owner or operator of any vehi-  
160 cle required to be inspected to fail to comply with the provisions  
161 of this Act.”

162 18. “A person shall not sell any motor vehicle, other than trans-  
163 fers to a dealer licensed under chapter three hundred twenty-two  
164 (322) of the Code, unless there is a valid official certificate of in-  
165 spection affixed to such vehicle at the time of sale. Any person vio-  
166 lating the provisions of this section shall be subject to a fine of one  
167 hundred dollars and shall be liable to the purchaser in damages for  
168 all costs involved in obtaining a valid certificate of inspection for  
169 such vehicle.”

1 SEC. 2. Section three hundred twenty-one point three hundred  
2 eighty-one (321.381), Code 1971, is amended as follows:

3 **321.381 Scope and effect of regulations.** It is a misdemeanor,  
4 punishable as provided in section 321.482, for any person to drive  
5 or move or for the owner to cause or knowingly permit to be driven  
6 or moved on any highway any vehicle or combination of vehicles  
7 which is in such unsafe condition as to endanger any person, or  
8 which does not contain those parts or is not at all times equipped  
9 with such lamps and other equipment in proper condition and ad-  
10 justment as required in this chapter, *or which is equipped with one*  
11 *or more unsafe tires*, or which is equipped in any manner in viola-  
12 tion of this chapter.

1 SEC. 3. Section three hundred twenty-one point four hundred  
2 forty (321.440), Code 1971, is amended as follows:

3 **321.440 Restrictions as to tire equipment.** Every solid rubber  
4 tire on a vehicle shall have rubber on its entire traction surface  
5 at least one inch thick above the edge of the flange of the entire  
6 periphery. [No pneumatic tire shall be used on a motor vehicle  
7 when such tire is worn to the extent that more than two layers of  
8 fabric or cords are exposed on the entire traction surface.] *Any*  
9 *pneumatic tire on a vehicle shall be considered unsafe if it has:*

10 1. *Any part of the ply or cord exposed;*

11 2. *Any bump, bulge or separation;*

12 3. *A tread design depth of less than one-sixteenth (1/16th) of*  
13 *an inch measured in any two or more adjacent tread grooves, ex-*  
14 *clusive of tie bars or, for those tires with tread wear indicators, worn*  
15 *to the level of the tread wear indicators in any two tread grooves;*

16 4. *A marking “not for highway use”, “for racing purposes only”,*  
17 *“unsafe for highway use”;*

18 5. *Tread or sidewall cracks, cuts or snags deep enough to expose*  
19 *the body cord;*

20 6. *Such other conditions as may be reasonably demonstrated to*  
21 *render it unsafe;*

22 7. *Been regrooved or recut below the original tread design depth,*



23 *excepting special taxi tires which have extra undertread rubber*  
 24 *and are identified as such; or*

25 8. *If a pneumatic tire was originally designed without grooves or*  
 26 *tread, the safety standards therefor shall be established by the com-*  
 27 *missioner.*

1 SEC. 4. Section three hundred twenty-one point four hundred  
 2 ninety-two (321.492), Code 1971, is amended as follows:

3 **321.492 Peace officers' authority.** Any peace officer is authorized  
 4 to stop any vehicle to require exhibition of the driver's operator or  
 5 chauffeur license, to serve a summons or memorandum of traffic  
 6 violation, to inspect the condition of the vehicle, to inspect the vehi-  
 7 cle with reference to size, weight, cargo, bills of lading or other mani-  
 8 fest of employment, *tires* and safety equipment, or to inspect the  
 9 registration certificate, the compensation certificate, travel order, or  
 10 permit of such vehicle.

1 SEC. 5. Section three hundred twenty-one point eighty-eight  
 2 (321.88), Code 1971, is hereby amended as follows:

3 **321.88 Advertisement.** If the owner does not appear within that  
 4 time, the officer having possession of same *shall make a determination*  
 5 *based upon the condition of the motor vehicle whether such motor*  
 6 *vehicle should be sold as a motor vehicle for use upon the highways*  
 7 *or sold as junk and shall advertise said motor vehicle for sale in a*  
 8 *newspaper published within the county at least once each week for*  
 9 *two consecutive weeks specifying whether it is to be sold as a motor*  
 10 *vehicle for use upon the highways or as junk. If it is to be sold as*  
 11 *a motor vehicle for use upon the highways it shall first be inspected*  
 12 *as provided in this Act and have a valid certificate of inspection*  
 13 *affixed.*

14 *If such vehicle is sold as junk and not sold to a dealer licensed*  
 15 *under chapter three hundred twenty-two (322) of the Code such*  
 16 *officer shall detach the registration plates and registration card, if*  
 17 *any, and deliver them to the department and certify to the depart-*  
 18 *ment that such motor vehicle was sold for junk. Upon receipt of*  
 19 *such certification the department shall: if the vehicle is of record in*  
 20 *the department, cancel the registration and certificate of title for such*  
 21 *vehicle on its records; notify the county treasurer of the county*  
 22 *where such vehicle was registered and, if different the county treas-*  
 23 *urer of the title issuing county, that the registration and certificate*  
 24 *of title to such vehicle have been cancelled; authorize the county*  
 25 *treasurers to cancel all records pertaining to such vehicles; and, if*  
 26 *the owner of such motor vehicle appears of record in the department,*  
 27 *notify the owner that the certificate of title to such vehicle has been*  
 28 *cancelled and to deliver such certificate of title to the department.*  
 29 *No refund of license fees for such vehicle shall be made.*

1 SEC. 6. Section three hundred twenty-one point thirty-two  
 2 (321.32), Code 1971, is amended as follows:

3 **321.32 Registration card signed, carried, and exhibited.** Every  
 4 owner upon receipt of a registration card shall write his signature  
 5 thereon with pen and ink in the space provided. Every such regis-  
 6 tration card shall at all times be carried in the vehicle to which it  
 7 refers and *shall be shown to any peace officer upon his request [shall*

8 be displayed in the container furnished or approved by the depart-  
9 ment. Such certificate container shall be attached to the vehicle in  
10 the driver's compartment so that same may be plainly seen without  
11 entering the car].

1 SEC. 7. Sections three hundred twenty-one point two hundred  
2 thirty-eight (321.238) through three hundred twenty-one point two  
3 hundred forty-six (321.246), inclusive, Code 1971, are repealed.

1 SEC. 8. Section three hundred twenty-one point one hundred  
2 sixty-seven (321.167), Code 1971, is hereby amended as follows:

3 **321.167 Delivery of plates or emblems.** On or before the first  
4 day of December of each year, the department shall deliver or cause  
5 to be delivered to the county treasurer of each county, approximately  
6 as many duplicate number plates [and certificate containers] as  
7 there are motor vehicles registered in such county during the pre-  
8 ceding year, the plates so delivered to each county treasurer to be in  
9 numerical sequence.

10 In lieu of plates, the department may furnish the county treasurers  
11 appropriate distinguishing emblems as provided in section 321.34.

1 SEC. 9. Section three hundred twenty-one point one hundred  
2 sixty-eight (321.168), Code 1971, is hereby amended as follows:

3 **321.168 Additional deliveries.** Thereafter, during the year, the  
4 department, upon requisition of the county treasurer, shall deliver  
5 additional number plates [and certificate containers].

Approved June 19, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 184

### COUNTY TRAFFIC ORDINANCES

S. F. 484

AN ACT to authorize county boards of supervisors to adopt and enforce certain traffic ordinances, and to provide penalties for violations.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1971,  
2 is amended by adding the following new section:

3 "The county board of supervisors may adopt, amend, or repeal traf-  
4 fic ordinances to regulate or prohibit the standing or parking of vehi-  
5 cles within the right-of-way of any highway under its jurisdiction.

6 Any person violating a traffic ordinance adopted under this section  
7 shall be guilty of a misdemeanor and shall, upon conviction, be fined  
8 not to exceed twenty-five dollars, or be imprisoned not to exceed  
9 seven days in the county jail. The form and style of the informa-  
10 tion shall be in the name of the county and as against the person in  
11 violation of the traffic ordinance."

Approved May 27, 1971.

## CHAPTER 185

## TRAFFIC SIGNALS

H. F. 262

AN ACT relating to traffic control signals.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
 2 fifty-seven (321.257), subsection three (3), Code 1971, is amended by  
 3 striking such subsection and inserting in lieu thereto the following:

4 3. Red alone or "stop"

5 Vehicular traffic facing a steady red signal alone shall stop at a  
 6 clearly marked stop line, but if none, before entering the crosswalk  
 7 on the near side of the intersection, or if none, then before entering  
 8 the intersection, and shall remain standing until an indication to pro-  
 9 ceed is shown. A right turn shall be permitted at an intersection by  
 10 vehicular traffic which has come to a complete stop, whenever a sign  
 11 is in place permitting such turn. Any right turn made pursuant to  
 12 this subsection shall be made in such a manner that it does not inter-  
 13 fere with other vehicular or pedestrian traffic lawfully using the in-  
 14 tersection.

15 No pedestrian facing such signal shall enter the roadway unless he  
 16 can do so safely and without interfering with any vehicular traffic,  
 17 but a vehicle turning right at such intersection shall yield the right  
 18 of way to a pedestrian lawfully entering such intersection.

Approved May 24, 1971.

## CHAPTER 186

## MOTOR VEHICLE ACCIDENTS

S. F. 302

AN ACT relating to the reporting of motor vehicle accidents.

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

1 SECTION 1. Section three hundred twenty-one point two hundred  
 2 sixty-three (321.263), Code 1971, is amended by adding the following  
 3 new paragraph:

4 "If the accident causes the death of any person, the surviving  
 5 driver shall not leave the scene of the accident except to seek neces-  
 6 sary aid for himself or to report the accident to law enforcement  
 7 authorities. Before leaving the scene of the accident, the surviving  
 8 driver shall leave his automobile registration receipt or other identi-  
 9 fication data at the scene of the accident. After leaving the scene of  
 10 the accident, the surviving driver shall promptly report the accident  
 11 by telephone to law enforcement authorities, and shall immediately  
 12 return to the scene of the accident, or shall inform the authorities  
 13 where he can be located."

Approved May 27, 1971.

## CHAPTER 187

## SLOW-MOVING VEHICLES WARNING DEVICES

H. F. 46

AN ACT relating to slow-moving vehicle warning devices.

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

1 SECTION 1. Section three hundred twenty-one point three hundred  
2 eighty-three (321.383), subsection two (2), Code 1971, is amended by  
3 striking the subsection and inserting in lieu thereof the following:

4 "When operated on a highway in this state at a speed of twenty-five  
5 miles per hour or less, every farm tractor, or tractor with towed  
6 equipment, self-propelled implement of husbandry, road construction  
7 or maintenance vehicle, road grader, horse-drawn vehicle, or any  
8 other vehicle principally designed for use off the highway and any  
9 such tractor, implement, vehicle or grader when manufactured for  
10 sale or sold at retail after the thirty-first of December, 1971, shall be  
11 identified with a reflective device of a type approved by the commis-  
12 sioner; however, this provision shall not apply to such vehicles when  
13 traveling in any escorted parade. The reflective device shall be visi-  
14 ble from the rear and mounted in a manner approved by the commis-  
15 sioner. All vehicles specified in this section shall be equipped with  
16 such reflective device after the thirty-first of December, 1971. The  
17 commissioner, when approving such device, shall be guided as far as  
18 practicable by the standards of the American society of agricultural  
19 engineers. No vehicle other than those specified in this section shall  
20 display a reflective device approved for the use herein described. On  
21 vehicles specified herein operating at speeds above twenty-five miles  
22 per hour, the reflective device shall be removed or hidden from view.

23 Any person who violates any provision of this section shall be fined  
24 not more than five dollars."

1 SEC. 2. Section three hundred twenty-one point four hundred  
2 twenty-three (321.423), subsection six (6), Code 1971, is amended as  
3 follows:

4 6. Any farm tractor, *or tractor with towed equipment, self-pro-*  
5 *pelled* implement of husbandry, road construction or maintenance  
6 vehicle, road grader, and any other vehicle principally designed for  
7 use off the highway which, when operated on [the highway] *a pri-*  
8 *mary or secondary road*, is operated on a highway at a speed of twenty-  
9 five miles an hour or less, [may] *shall* be equipped with and display  
10 [not more than two flashing lights], *after June 30, 1972, an amber*  
11 *flashing light visible from the rear at any time from sunset to sun-*  
12 *rise. All vehicles specified in this subsection, which are manufactured*  
13 *for sale or sold in this state after the thirty-first of December, 1971,*  
14 *shall be equipped with the amber flashing light.* The type, [color]  
15 number, dimensions, and method of mounting of the light shall be  
16 approved by the commissioner. *The commissioner, when approving*  
17 *the light, shall be guided as far as practicable by the standards of*  
18 *the American society of agricultural engineers.*

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 188

## MOTOR VEHICLE EMERGENCY LIGHTS

H. F. 658

AN ACT relating to flashing emergency lights on motor vehicles.

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

1 SECTION 1. Section three hundred twenty-one point four hundred  
2 twenty-three (321.423), subsection one (1), Code 1971, is amended  
3 as follows:

4 1. Except as otherwise provided, flashing lights are prohibited on  
5 motor vehicles, except on authorized emergency vehicles or as a  
6 means for indicating a right or left turn, *mechanical failure, an*  
7 *emergency stop*, or intention of stopping, and except that rural mail  
8 carriers may use flashing white or amber, or any shade of color be-  
9 tween white and amber, dome lights on the roof of their vehicles when  
10 stopping on or near the highway in the process of delivering mail and  
11 except on vehicles being operated under an excess size permit issued  
12 under chapter 321E.

Approved June 14, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 189

## ALCOHOLIC BEVERAGES DEFINED

H. F. 195

AN ACT to define an alcoholic beverage as it relates to the operation of a motor vehicle by an operator under the influence of an alcoholic beverage.

*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 1971, is amended as follows:

3 **321B.2 Definitions.** As used in this chapter the words "peace  
4 officer" mean:

- 5 1. Members of the highway patrol.
- 6 2. Police officers under civil service as provided in chapter 365.
- 7 3. Sheriffs.
- 8 4. Regular deputy sheriffs who have had formal police training.
- 9 5. Any other law-enforcement officer who has satisfactorily com-  
10 pleted an approved course relating to motor vehicle operators under  
11 the influence of alcoholic beverages at the Iowa law-enforcement  
12 academy or a law-enforcement training program approved by the  
13 department of public safety.

14 *As used in this chapter and sections twenty-nine B point one hun-*  
15 *dred six (29B.106), three hundred twenty-one point two hundred nine*  
16 *(321.209), three hundred twenty-one point two hundred eighty-one*  
17 *(321.281), three hundred twenty-one point four hundred ninety-four*  
18 *(321.494), and seven hundred forty-nine point two (749.2) of the*  
19 *Code, the words "alcoholic beverage" include alcohol, wine, spirits,*

20 *beer, or any other beverage which contains ethyl alcohol and is fit*  
 21 *for human consumption.*

Approved April 15, 1971.

*Italics indicates new material added to existing statutes: brakets indicate deletions from existing statutes. However, See Editor's note, page iii.*

## CHAPTER 190

### SNOWMOBILE REGISTRATION

S. F. 76

AN ACT relating to temporary registration of snowmobiles.

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

1 SECTION 1. Section three hundred twenty-one G point one (321G.1),  
 2 Code 1971, is amended by adding the following new subsection:  
 3 " 'Dealer' means any person engaged in the business of buying,  
 4 selling, or exchanging snowmobiles required to be registered who  
 5 has an established place of business in this state."

1 SEC. 2. Chapter three hundred twenty-one G (321G), Code 1971,  
 2 is amended by adding the following new section:  
 3 "The state conservation commission shall furnish snowmobile deal-  
 4 ers with pasteboard cards bearing the words 'registration applied for'.  
 5 Any unregistered snowmobile sold by a dealer shall bear one of these  
 6 cards which shall entitle the purchaser to operate it for ten days  
 7 immediately following the purchase. The purchaser of a registered  
 8 snowmobile shall be entitled to operate it for ten days immediately  
 9 following the purchase, without having completed a transfer of reg-  
 10 istration. Any person who purchases a snowmobile from a dealer  
 11 shall, within five days of the purchase, apply for a snowmobile regis-  
 12 tration or transfer of registration."

Approved May 24, 1971.

## CHAPTER 191

### MOTOR FUEL TAX

H. F. 346

AN ACT relating to refunding of motor fuel tax.

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

1 SECTION 1. Section three hundred twenty-four point fifty-four  
 2 (324.54), Code 1971, is amended by striking the section and inserting  
 3 in lieu thereof the following:  
 4 **324.54 Fuel tax computation — refund — reporting and payment.**  
 5 Fuel tax liability under this division shall be computed on the total  
 6 number of gallons of each kind of motor fuel and special fuel con-  
 7 sumed in the operation in Iowa by commercial motor vehicles subject  
 8 to this division at the same rate for each kind of fuel as would be  
 9 applicable if taxed under division one (I) or division two (II) of this  
 10 chapter. A refund against the fuel tax liability so computed shall be

11 allowed, on excess Iowa motor fuel purchased, in the amount of fuel  
12 tax paid at the prevailing rate per gallon set out under division one (I)  
13 or division two (II) of this chapter on motor fuel and special fuel  
14 consumed by commercial motor vehicles, the operation of which is  
15 subject to this division.

16 Notwithstanding any provision of this chapter to the contrary, the  
17 director, upon application filed with the motor vehicle fuel tax division,  
18 not later than ninety days after the last day of the month in which the  
19 overpayment of Iowa fuel tax paid on excess purchases of motor fuel  
20 or special fuel was reported as provided in section three hundred  
21 twenty-four point eight (324.8) of the Code, and which application  
22 is supported by such proof as the director may require, shall cause to  
23 be issued a warrant covering a refund of Iowa fuel tax paid on motor  
24 fuel or special fuel purchased in excess of the amount consumed by  
25 such commercial motor vehicles in their operation on the highways of  
26 this state.

27 Application for a refund of fuel tax under the provisions of this  
28 division must be made for each individual month in which the excess  
29 payment was reported, and will not be allowed unless the amount of  
30 fuel tax paid on the fuel purchased in this state, in excess of that con-  
31 sumed for highway operation in this state in the month applied for,  
32 is in an amount exceeding ten dollars. An application for a refund of  
33 excess Iowa fuel tax paid under the provisions of this division which  
34 is filed for any period or in any manner other than herein set out  
35 shall not be allowed.

36 To determine the amount of fuel taxes due under this division and  
37 and to prevent the evasion thereof, the director shall require a monthly  
38 report on forms prescribed by the director. It shall be filed not later  
39 than the last day of the month following the month reported, and each  
40 month thereafter. These reports shall be required of all persons who  
41 have been issued a permit under this division and shall cover actual  
42 operation and fuel consumption in Iowa on the basis of the permit  
43 holder's average consumption of fuel in Iowa, determined by the total  
44 miles traveled and the total fuel purchased and consumed for highway  
45 use by the permittee's commercial motor vehicles in his entire opera-  
46 tion in all states to establish an overall miles per gallon ratio, which  
47 ratio shall be used to compute the gallons used for the miles traveled  
48 in Iowa.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in Hampton  
3 Chronicle, a newspaper published in Hampton, Iowa, and in Eldora  
4 Herald-Ledger, a newspaper published in Eldora, Iowa.

Approved March 24, 1971.

I hereby certify that the foregoing Act, House File 346, was published in the Hamp-  
ton Chronicle, Hampton, Iowa, April 1, 1971, and in the Eldora Herald-Ledger, Eldora,  
Iowa, April 6, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 192

## REVENUE REPORTS CONFIDENTIAL

H. F. 550

AN ACT relating to information obtained by the department of revenue.

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

1 SECTION 1. Section three hundred twenty-four point sixty-three  
2 (324.63), unnumbered paragraph one (1), Code 1971, is amended as  
3 follows:

4 **324.63 Information confidential.** All information obtained by the  
5 department of revenue from the examining of reports or records re-  
6 quired to be filed or kept under the provisions of this chapter shall  
7 be treated as confidential and shall not be divulged except to *other*  
8 *state officers*, a member or members of the general assembly or any  
9 duly appointed committee of either or both houses thereof or to a  
10 representative of the state having some responsibility in connection  
11 with the collection of the taxes imposed or in proceedings brought  
12 under the provisions of this chapter; provided, however, that the  
13 department of revenue shall make available for public information  
14 on or before the last day of the month following the month in which  
15 the tax is required to be paid the names of the distributors and as to  
16 each of them the total gallons received in the state and separately,  
17 the received gallons (1) exported or sold for export, (2) sold tax-free  
18 in the state to entities that are exempt from the tax, and (3) sold  
19 tax-free in the state to entities required to report and account for the  
20 tax thereon. The department of revenue shall also make available  
21 to the public information with respect to special fuel dealers and  
22 users and as to each of them the gallonage used and taxes paid. The  
23 department of revenue, upon request of officials entrusted with en-  
24 forcement of the motor vehicle fuel tax laws of the federal government  
25 or any other state, may forward to such officials any pertinent infor-  
26 mation which the department may have relative to motor fuel and  
27 special fuel provided the officials of the other state furnish to the  
28 department of revenue like information.

Approved April 29, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 193

## CERTIFICATED CARRIERS

S. F. 89

AN ACT relating to the issuance of certificates of convenience and necessity to motor vehicle carriers.

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

1 SECTION 1. Section three hundred twenty-five point seven (325.7),  
2 Code 1971, is amended by adding the following new paragraphs:  
3 "The commission may issue a certificate, without holding a public



4 hearing, if the service proposed will promote the public convenience  
5 and necessity and the service would not be provided if the expense of  
6 a public hearing was placed upon the applicant.

7 If a certificate is to be issued without a public hearing, the commis-  
8 sion shall publish notice of its action, at its own expense, in the same  
9 manner as provided in section three hundred twenty-five point thirteen  
10 (325.13). Written objections to the issuance of a certificate without  
11 holding a hearing may be filed within ten days of last publication of  
12 notice notwithstanding the provisions of section three hundred twenty-  
13 five point sixteen (325.16). If no objections are filed within ten  
14 days of last publication of the notice, the commission may proceed to  
15 issue the certificate in the manner provided in section three hundred  
16 twenty-five point eighteen (325.18)."

1 SEC. 2. Section three hundred twenty-five point six (325.6), Code  
2 1971, is amended by adding the following new paragraph:

3 "The commission may allow the provision of temporary service for  
4 which there is an immediate and urgent need to point or points re-  
5 quired by the application for a certificate of public convenience and  
6 necessity upon a finding that no carrier has operating authority to  
7 serve those points or no carrier is currently serving those points and  
8 upon meeting the requirements of this chapter and the rules and  
9 regulations of the commission. Such temporary authority, unless  
10 suspended or revoked for good cause, shall be valid for such time as  
11 the commission shall specify but not more than an aggregate of one  
12 hundred eighty days, and shall create no presumption that the corre-  
13 sponding application will be granted thereafter."

Approved June 4, 1971.

## CHAPTER 194

### SENIOR CITIZENS PROGRAMS

H. F. 209

AN ACT relating to county and city programs for senior citizens.

*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 1971, is amended by adding the following new subsection:

3 "To appropriate moneys from the general fund to provide programs  
4 benefiting senior citizens, including, but not limited to, senior citizen  
5 centers, mobile meals, and counseling programs."

1 SEC. 2. Section four hundred four point ten (404.10), Code 1971,  
2 is amended by adding the following new subsection:

3 "To provide programs benefiting senior citizens, including, but  
4 not limited to, senior citizen centers, mobile meals, and counseling  
5 programs."

Approved May 17, 1971.

## CHAPTER 195

## IOWA STATE ASSOCIATION OF COUNTIES

S. F. 37

AN ACT to permit counties to become associated with the Iowa State Association of Counties.

*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 1971, is amended by adding the following new subsection:  
 3 "To provide for membership in the Iowa state association of coun-  
 4 ties, a nonprofit corporation organized under chapter 504A of the  
 5 Code, for the purpose of maintaining a permanent organization to  
 6 secure cooperation among counties and county officers in their effort  
 7 to procure better and more efficient methods of government. The  
 8 board of supervisors may authorize attendance at schools of instruc-  
 9 tion by county officers, appointees, and employees as the schools are  
 10 called by the association and may authorize attendance at the annual  
 11 meeting of the association by duly certified representatives of each  
 12 county which is affiliated with the association. The board of super-  
 13 visors may appropriate from the county general fund necessary funds  
 14 to provide membership in the Iowa state association of counties, pro-  
 15 vided that the method of assessment shall be established on a basis  
 16 whereby each county shall pay not to exceed one cent per capita  
 17 and one-hundredth of one mill of each county's assessed valuation.  
 18 The total assessment collected from all of the member counties shall  
 19 not exceed seventy-five thousand dollars per annum. In the event  
 20 that more than seventy-five thousand dollars is collected, the excess  
 21 shall be refunded proportionately to the counties from which payment  
 22 is received. The association shall keep and make such accounts as  
 23 are required by the auditor of state. The accounts shall be audited  
 24 annually and published in the auditor of state's biennial report. The  
 25 association shall annually publish an accounting of all moneys ex-  
 26 pended in connection with expenses incurred by and any salaries paid  
 27 to legislative representatives or lobbyists of the association."

1 SEC. 2. No county funds may be expended for membership fees  
 2 or for attendance expenses for any county officers association other  
 3 than the Iowa state association of counties.

Approved June 30, 1971.

## CHAPTER 196

## CITY AND TOWN ORDINANCES

H. F. 625

AN ACT relating to city and town ordinances.

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

1 SECTION 1. Section three hundred sixty-six point three (366.3),  
 2 Code 1971, is amended as follows:  
 3 366.3 Reading. Ordinances shall be fully and distinctly read on  
 4 three different days, unless three-fourths of the council shall dispense

5 with the rule. *However, the rule that an ordinance be fully and dis-*  
 6 *tinctly read on three different days is satisfied if a summary of the*  
 7 *proposed ordinance is prepared and made available to the public prior*  
 8 *to the meeting at which it is adopted, and if the title of the ordinance*  
 9 *is read on three different days.*  
 10 *An ordinance passed prior to the effective date of this Act, is not*  
 11 *invalidated by the fact that it was not fully and distinctly read on*  
 12 *three different days.*

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 197†

### COUNTY RECORDER FEES

#### S. F. 38

AN ACT relating to fees charged by county recorders.

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

1 SECTION 1. Section three hundred thirty-five point fourteen  
 2 (335.14), Code 1971, is amended as follows:  
 3 335.14 Fees. The recorder shall charge and collect the following  
 4 fees:  
 5 1. For recording each instrument two dollars and fifty cents for  
 6 the first page or fraction thereof.  
 7 2. For each additional page or fraction thereof, two dollars.  
 8 3. The minimum fee for all deeds and real property mortgages shall  
 9 be two dollars and fifty cents.

Approved January 28, 1971.

†See Editor's note, page iii.

## CHAPTER 198

### COUNTY OFFICERS SALARIES

#### S. F. 503

AN ACT relating to the salaries of county officers.

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

1 SECTION 1. Section three hundred forty point three (340.3), Code  
 2 1971, is amended as follows:  
 3 340.3 Salary schedule set by supervisors annually. In December  
 4 of each year, the board of supervisors shall, by resolution, compute  
 5 the salaries of all county officers whose salaries are based on popula-  
 6 tion or taxable valuation of the county, or both, for the ensuing year.  
 7 *In no case shall the salary be less than salaries established in Decem-*  
 8 *ber, 1969.* The latest current report of the bureau of census, United  
 9 States department of commerce and the valuation certified by the  
 10 department of revenue shall be used. In any year in which the com-

11 pensionation is changed by a change in the law the said computation shall  
 12 also be made in the month the law becomes effective for the salaries  
 13 paid for the remainder of said year from the effective date of the  
 14 new law. If a vacancy occurs in any office, the person who is ap-  
 15 pointed or elected to fill the unexpired term in the office vacated,  
 16 shall receive the same salary as the person vacating the office.

1 SEC. 2. Section three hundred forty point nine (340.9), Code  
 2 1971, is amended by striking subsections ten (10), eleven (11), and  
 3 twelve (12) and inserting in lieu thereof the following new subsection:

4 "One hundred thousand or more, an annual salary established by  
 5 the county board of supervisors, except that in no case shall his annual  
 6 salary be less than the annual salary established in December, 1969.  
 7 The board may accept and utilize private grants or federal funds, or  
 8 both, for the purpose of paying the salary of the county attorney and  
 9 his assistants."

1 SEC. 3. Section three hundred forty point eight (340.8), the last  
 2 unnumbered paragraph, Code 1971, is amended as follows:

3 In counties over two hundred fifty thousand population where more  
 4 than two deputies are required, said deputies may be paid an amount  
 5 not to exceed [seventy] *seventy-five* percent of the annual salary of  
 6 his or her principal. Upon certification to the board of supervisors  
 7 by the elected official concerned, the amount of the annual salary for  
 8 each deputy as above provided, the board of supervisors [shall] *may*  
 9 certify to the county auditor of any such county the annual salary  
 10 certified by the elected officials, but in no event shall said board of  
 11 supervisors be required to certify to the auditor of any such county  
 12 an amount in excess of the amounts authorized above. The board of  
 13 supervisors shall fix all compensation for extra help and clerks.

1 SEC. 4. Section three hundred forty point nine (340.9), Code  
 2 1971, is amended by adding the following new paragraph:

3 "The board of supervisors of any county may pay or supplement the  
 4 salaries of the county attorney and the assistant county attorneys from  
 5 federal funds notwithstanding the salary limitations set forth in this  
 6 section and section three hundred forty point ten (340.10) of the  
 7 Code."

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 199

### ASSISTANT COUNTY ATTORNEYS SALARIES

S. F. 41

AN ACT relating to the authorization of assistant county attorneys and salaries there-  
 for.

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

1 SECTION 1. Section three hundred forty point ten (340.10), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

- 4 **Assistant county attorneys.** Where an assistant county attorney is  
 5 appointed he shall receive as compensation:  
 6 1. For the first assistant county attorney, not more than eighty-five  
 7 percent of the amount of the salary of the county attorney.  
 8 2. For additional assistant county attorneys, not to exceed eighty  
 9 percent of the amount of the salary of the county attorney, as fixed by  
 10 the board of supervisors.

Approved March 16, 1971.

## CHAPTER 200

### COUNTY PROPERTY REPLACEMENT

S. F. 269

AN ACT to provide that expenditures of funds by the county board of supervisors to replace property acquired by another governmental body need not be submitted to the voters.

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

- 1 SECTION 1. Section three hundred forty-five point one (345.1),  
 2 Code 1971, is amended as follows:  
 3 **345.1 Expenditures—when vote necessary.** The board of super-  
 4 visors shall not order the erection of, or the building of an addition  
 5 or extension to, or the remodeling or reconstruction *or relocation and*  
 6 *replacement* of a courthouse, jail, county hospital,\* [or] county home  
 7 [when the probable cost will exceed ten thousand dollars], or any  
 8 other *county building or facility*, except as otherwise provided, when  
 9 the probable cost will exceed ten thousand dollars, nor the purchase  
 10 of real estate for county purposes exceeding ten thousand dollars in  
 11 value, until a proposition therefor shall have been first submitted to  
 12 the legal voters of the county, and voted for by a majority of all  
 13 persons voting for and against such proposition at a general or  
 14 special election, notice of the same being given as in other special  
 15 elections. [Except, however] *However*, such proposition need not be  
 16 submitted to the voters if any such erection, construction, remodel-  
 17 ing, reconstruction, *relocation and replacement*, or purchase of real  
 18 estate may be accomplished without the levy of additional taxes and  
 19 the probable cost will not exceed fifty thousand dollars, *or when a*  
 20 *relocation and replacement is made necessary by the acquisition of*  
 21 *county property for a federal or state project, and the cost of the*  
 22 *relocation does not exceed the amount of the award of damages by*  
 23 *the state or federal government.*

Approved May 7, 1971.

\*See Code 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 201

## COUNTY HOSPITALS

S. F. 355

AN ACT relating to the tax levy for county hospitals in counties having a population of two hundred twenty-five thousand or more.

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

1 SECTION 1. Section three hundred forty-seven point seven (347.7),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:  
 3 If the hospital be established, the board of supervisors, at the time  
 4 of levying ordinary taxes, shall levy a tax at the rate voted not to  
 5 exceed two mills in any one year for the erection and equipment  
 6 thereof, and also a tax not to exceed one mill for the improvement,  
 7 maintenance, and replacements of the hospital, as certified by the  
 8 board of hospital trustees; provided, however, in counties having a  
 9 population of two hundred twenty-five thousand inhabitants or over,  
 10 the levy for improvements and maintenance of the hospital shall not  
 11 exceed [four and one-half] *five* mills in any one year. The proceeds  
 12 of such taxes shall constitute the county public hospital fund and such  
 13 fund shall be subject to review by the board of supervisors in counties  
 14 over two hundred twenty-five thousand. Provided, however, that the  
 15 board of trustees of a county hospital of said county, where funds are  
 16 available in the county public hospital fund of said county which are  
 17 unappropriated, may use such unappropriated funds for erecting and  
 18 equipping hospital buildings and additions thereto without authority  
 19 from the voters of said county.

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 202

## COUNTY PUBLIC HOSPITALS

H. F. 466

AN ACT to authorize counties operating county public hospitals to issue revenue bonds.

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

1 SECTION 1. Chapter three hundred forty-seven (347), Code  
 2 1971, is amended by adding the following new section:  
 3 "Any county having theretofore established a county public hos-  
 4 pital being operated under the provisions of this chapter may equip,  
 5 enlarge, and improve the county public hospital and acquire the  
 6 necessary lands, rights-of-way, and other property. For the pur-  
 7 pose of equipping, enlarging, and improving any such county pub-  
 8 lic hospital, including the acquisition of the necessary lands, rights-  
 9 of-way, and other property, any county may, pursuant to resolution  
 10 of the board of supervisors of the county and after it has been deter-  
 11 mined by the board of hospital trustees to be advisable, from time  
 12 to time issue and dispose of its negotiable interest-bearing revenue

13 bonds, payable solely as to both principal and interest from the rev-  
14 enues derived from the operation of the county public hospital. All  
15 such bonds may bear such date or dates, may mature at such time  
16 or times not exceeding thirty years from their respective dates, may  
17 bear interest at such rate or rates not exceeding seven per cent per  
18 annum payable semiannually, may be in such form and payable at  
19 such place or places, and may be subject to such redemption priv-  
20 ileges as are stated on the face thereof and as may be provided in  
21 the resolution.

22 After a resolution authorizing the revenue bonds has been adopted,  
23 the county auditor shall publish notice of the adoption in at least one  
24 newspaper of general circulation in the county at least once each  
25 week for two consecutive weeks. The notice shall identify the reso-  
26 lution by the date of its adoption and shall specify the amount of  
27 bonds proposed to be issued. If within thirty days following the  
28 date of the first publication of the notice a petition is filed with the  
29 county auditor signed by qualified voters of the county in a number  
30 equal to or exceeding twenty percent of the total number of votes  
31 cast in the county for governor at the last preceding regular elec-  
32 tion at which a governor was elected, then the bonds authorized by  
33 the resolution shall not be issued until the proposition to issue the  
34 bonds is submitted at an election throughout the county and ap-  
35 proved by not less than sixty percent of the votes cast for and  
36 against the proposition. When any petition is filed, it shall be re-  
37 ferred to the board of supervisors at its next meeting. The board  
38 of supervisors may either repeal the bond resolution or order the  
39 election which shall be called and conducted in the manner provided  
40 by chapter three hundred forty-five (345) of the Code. If no peti-  
41 tion is filed within the time provided or if a petition is filed and the  
42 proposition of issuing the bonds is approved at the election, then  
43 the board of supervisors may proceed with the equipment, enlarge-  
44 ment and improvement of the county public hospital and the acqui-  
45 sition of the necessary lands, rights-of-way, and other property and  
46 the issuance of revenue bonds, as provided in this section.

47 Under no circumstances shall any revenue bonds issued under the  
48 provisions of this section be or become an indebtedness of the  
49 county within the purview of any constitutional or statutory limita-  
50 tion or provision. It shall be plainly stated on the face of each bond  
51 that it does not constitute such an indebtedness, but is payable solely  
52 from revenues derived from the operation of the county hospital.  
53 All the bonds shall be sold in a manner and upon terms prescribed  
54 by the resolution authorizing the issuance of the bonds, however no  
55 bonds shall be sold upon terms that will result in an interest cost  
56 computed to maturity of the bonds according to standard tables of  
57 bond values of more than seven percent per annum. The resolution  
58 authorizing the revenue bonds may contain any covenants deter-  
59 mined by the board of supervisors to be desirable in connection with  
60 the use and application of the bond proceeds, the operation of the  
61 county public hospital, and the custody and application of the reve-  
62 nues from this operation. The sole remedy for any breach or de-  
63 fault of the terms of any bonds or proceedings for their issuance  
64 shall be by mandamus in a court of competent jurisdiction to compel  
65 performance and compliance therewith.

66 The board of hospital trustees shall fix rates, fees, and charges for

67 the services furnished by the county public hospital so that the reve-  
 68 nues of the county public hospital will be at all times sufficient to  
 69 provide for the payment of the interest on and principal of all reve-  
 70 nue bonds issued and outstanding under the provisions of this sec-  
 71 tion, and for the payment of all operating and maintenance expenses  
 72 of the county public hospital. If in any year, after payment of the  
 73 accruing interest on and principal due of any revenue bonds issued  
 74 hereunder from the revenues derived from the operation of such  
 75 hospital, there be a balance of such revenues insufficient to pay the  
 76 expenses of operation and maintenance of the county public hospital  
 77 the board of hospital trustees shall certify that fact as soon as as-  
 78 certained to the board of supervisors of such county, and thereupon  
 79 it shall be the duty of such board of supervisors to make the amount  
 80 of such deficiency for paying the expenses of operation and mainte-  
 81 nance of the county public hospital available from other county  
 82 funds or, the board of supervisors of such county shall levy a tax  
 83 not to exceed one mill in counties having a population of less than  
 84 two hundred twenty-five thousand inhabitants, or four and one-half  
 85 mills in counties having a population of two hundred twenty-five  
 86 thousand inhabitants or over, in any one year on all the taxable  
 87 property in said county in an amount sufficient for that purpose, it  
 88 being conditioned that no general county funds or the proceeds of  
 89 any taxes shall ever be used or applied to the payment of the inter-  
 90 est on or principal of any revenue bonds issued under the provi-  
 91 sions of this section, but that such general county funds or pro-  
 92 ceeds of taxes may only be used and applied to pay such expenses  
 93 of operation and maintenance of the county public hospital as can-  
 94 not be paid from available revenues derived from such operation.

95 All contracts for construction work to be paid for in whole or in  
 96 part through the issuance of revenue bonds under the provisions  
 97 of this section shall be awarded by the board of supervisors on com-  
 98 petitive bidding following such advertisement as may be prescribed  
 99 by such board.

100 This section is an alternative and independent method for the  
 101 equipment, enlargement, and improvement of a county public hos-  
 102 pital, and for the issuance and sale of revenue bonds and shall not  
 103 be construed as limiting or superseding any other method of equip-  
 104 ping, enlarging, or improving a county public hospital."

1 SEC. 2. Section three hundred forty-seven point seven (347.7),  
 2 unnumbered paragraph two (2), Code 1971, is amended as follows:

3 No levy shall be made for the improvement, maintenance, or re-  
 4 placements of the hospital until the hospital has been constructed,  
 5 staffed, and receiving patients. *Whenever revenue bonds are issued*  
 6 *and outstanding under the provisions of section 1 of this Act, the*  
 7 *authority contained in section 1 of this Act to levy the tax to pay*  
 8 *operating and maintenance expenses, when and as therein provided,*  
 9 *shall be in lieu of and not in addition to the authority contained in*  
 10 *this section to levy the tax of not to exceed one mill for the improve-*  
 11 *ment, maintenance and replacements of the hospital and of not to*  
 12 *exceed four and one-half mills for improvements and maintenance*  
 13 *of the hospital in counties having a population of two hundred*  
 14 *twenty-five thousand inhabitants or over.*



1 SEC. 3. Section three hundred forty-seven point thirteen (347.13),  
 2 subsection nine (9), Code 1971, is amended by inserting in line  
 3 six (6) after the word "year" the following: ", subject to the provi-  
 4 sions of Section 1 of this Act."

1 SEC. 4. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the  
 3 Algona Kossuth County Advance, a newspaper published in Algona,  
 4 Iowa, and in The Spirit Lake Beacon, a newspaper published in  
 5 Spirit Lake, Iowa.

Approved June 30, 1971.

I hereby certify that the foregoing Act, House File 466, was published in the Algona Kossuth County Advance, Algona, Iowa, July 12, 1971 and in The Spirit Lake Beacon, Spirit Lake, Iowa, July 15, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 203

### COUNTY JAIL PRISONERS

H. F. 420

AN ACT relating to reduction of sentence for prisoners held in county jails.

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

1 SECTION 1. Chapter three hundred fifty-six (356), Code 1971,  
 2 is amended by adding the following new section:  
 3 "Every prisoner in the county jail may, upon the recommendation  
 4 of the sheriff, and at the discretion of the sentencing judge, receive a  
 5 reduction of his sentence of not more than twenty percent if:  
 6 1. No infraction of the rules of discipline of the county jail or of  
 7 the laws of the state has been recorded against him since the begin-  
 8 ning of his incarceration; and  
 9 2. He has performed in a faithful manner the duties assigned to  
 10 him."

1 SEC. 2. Chapter three hundred fifty-six (356), Code 1971, is fur-  
 2 ther amended by adding the following new section thereto:  
 3 A judge who sentences a person to the county jail or other deten-  
 4 tion facility pursuant to this chapter, may suspend any part of such  
 5 sentence and place such person on probation, upon such terms and  
 6 conditions as the sentencing judge may direct, after such person has  
 7 served that part of his sentence which was not suspended.

Approved May 24, 1971.

## CHAPTER 204

## COUNTY DETENTION FACILITY

S. F. 190

AN ACT relating to the transfer of persons committed to jail.

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

1 SECTION 1. A county board of supervisors may, by majority vote,  
2 establish and maintain by lease, purchase, or contract with a public  
3 or private nonprofit agency or corporation to establish and maintain,  
4 facilities where persons may be detained or confined pursuant to a  
5 court order as provided in section three hundred fifty-six point one  
6 (356.1), of the Code. Such facilities may be in lieu of or in addition  
7 to the jail required in section three hundred fifty-six point thirty-  
8 seven (356.37) of the Code. The board shall establish rules and regu-  
9 lations for the operation of each such facility. Any person detained  
10 or confined to such a facility shall be required to do all cleaning, upkeep,  
11 maintenance, minor repairs, and anything else necessary to properly  
12 maintain, operate, and preserve such facility. The sheriff shall not  
13 have charge or custody of any person detained or confined in such  
14 facility or transferred thereto. Such facility need not contain any  
15 cells, cell blocks, or bars, if it is not necessary for the protection of  
16 the public, as determined by the board.

1 SEC. 2. If the board of supervisors contract with a public or pri-  
2 vate nonprofit agency or corporation for the establishment and main-  
3 tenance of such a facility, the contract shall state the charge per per-  
4 son per day to be paid by the county; that each such facility shall  
5 insure the performance of the duties of the keeper as defined in sec-  
6 tion three hundred fifty-six point five (356.5) of the Code; the activi-  
7 ties and service to be provided those detained or confined; the extent  
8 of security to be provided in the best interests of the community; the  
9 maximum number of persons that can be detained or committed at  
10 any one time; the number of employees to be provided by the contract-  
11 ing private nonprofit agency or corporation for the maintenance,  
12 supervision, control, and security of persons detained or confined  
13 therein; and any other matters deemed necessary by the supervisors.  
14 All such contracts shall be for a period not to exceed two years. The  
15 board of supervisors shall deliver a copy of the contract to each municip-  
16 al court judge in the county and to each district court judge of the  
17 district which includes that county.

1 SEC. 3. Any municipal or district court judge may sentence and  
2 commit a person to a facility established and maintained pursuant to  
3 section one (1) or two (2) of this Act instead of the county jail. A  
4 district court judge may order the transfer of a person sentenced  
5 and committed to the county jail to such a facility upon his own  
6 motion, the motion of the sentenced and committed person, or the  
7 motion of the sheriff. The original order of commitment or the order  
8 of transfer to the facility shall set forth the terms and conditions of  
9 the detention or commitment; that the detained or committed person  
10 shall abide by the terms and conditions of this Act and the rules and  
11 regulations of the facility to which committed or transferred. The  
12 order shall be read to the detained, committed or transferred person

13 in open court. The committing court or a district court judge may  
 14 order any person who has been detained, committed, or transferred  
 15 to such a facility to be transferred to the county jail if, upon hearing,  
 16 the court determines such person has been refractory, disorderly,  
 17 has willfully destroyed or injured any property in the facility, or has  
 18 violated any of the terms and conditions of the order of detention,  
 19 commitment, or transfer or the provisions of this Act or the rules  
 20 and regulations of the facility wherein he was detained or committed.  
 21 Any violations of the order of detention, commitment, or transfer  
 22 shall further be punished as contempt of court pursuant to chapter  
 23 six hundred sixty-five (665) of the Code. The provisions of chapter  
 24 seven hundred forty-five (745) of the Code shall be applicable to any  
 25 person detained, committed, or transferred to a facility established  
 26 and maintained pursuant to this Act. The county or city to which  
 27 the cause originally belonged shall be liable for the expense of the  
 28 original detention, commitment, or transfer and the subsequent ex-  
 29 penses of maintaining such person in the facility. The county's ex-  
 30 pense shall be levied and paid out of the court expense fund pursuant  
 31 to section four hundred forty-four point ten (444.10) of the Code.

1 SEC. 4. A person detained, committed, or transferred to a facility  
 2 established and maintained pursuant to sections one (1) or two (2)  
 3 of this Act, may further be released from such facility during neces-  
 4 sary and reasonable hours, by court order, for the purposes stated  
 5 in section three hundred fifty-six point twenty-six (356.26) of the  
 6 Code. Such release and any wages earned shall be governed by the  
 7 provisions of sections three hundred fifty-six point twenty-seven  
 8 (356.27) through three hundred fifty-six point thirty-six (356.36),  
 9 inclusive, except that during such time the released person shall not  
 10 be in the legal custody of the sheriff; any wages earned shall be col-  
 11 lected, managed, and dispensed by the person in charge of the facility  
 12 and not the sheriff; and any wages earned shall first be applied to  
 13 the reasonable cost of housing such person in the facility.

1 SEC. 5. Any person sentenced, detained, committed, or transferred  
 2 to a facility established and maintained pursuant to section one (1)  
 3 or two (2) of this Act shall be discharged therefrom upon completion  
 4 of their original term of detention or commitment. The person in  
 5 charge of such facility shall keep a calendar as required in section  
 6 three hundred fifty-six point six (356.6) of the Code and return a  
 7 copy of the calendar as required by section three hundred fifty-six  
 8 point seven (356.7) of the Code.

1 SEC. 6. A judge of the municipal or district court may originally  
 2 commit a person to the county jail to serve any part of the sentence  
 3 pronounced and thereafter be transferred to a facility established  
 4 and maintained pursuant to section one (1) or two (2) of this Act.

1 SEC. 7. A county board of supervisors may further contract with  
 2 another county or a city maintaining a jail meeting the requirements  
 3 of sections three hundred fifty-six point thirty-seven (356.37) to  
 4 three hundred fifty-six point forty-one (356.41), inclusive, of the  
 5 Code for detention and commitment of persons pursuant to section  
 6 three hundred fifty-six point one (356.1) of the Code. Any person  
 7 detained or confined therein shall be in charge of and in the custody of

8 the governmental unit maintaining the jail. The cost of detention and  
9 confinement shall be levied and paid by the city or from the court  
10 expense fund of the county to which the cause originally belonged  
11 pursuant to section four hundred forty-four point ten (444.10) of  
12 the Code.

1 SEC. 8. Section three hundred fifty-six point forty-three (356.43),  
2 unnumbered paragraph one (1), Code 1971, is amended as follows:

3 The state department of social services shall have general charge  
4 and supervision of the provisions of sections 356.37 to 356.44, inclu-  
5 sive. The state department of social services and its inspectors and  
6 agents shall have the power and duty to make periodic inspections of  
7 each such jail *and all such facilities established pursuant to this Act*,  
8 and officially to notify the county board of supervisors in writing to  
9 comply fully with the provisions of sections 356.37 to 356.44, inclusive.

1 SEC. 9. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Lee  
3 Town News, a newspaper published in Des Moines, Iowa, and in the  
4 Marshalltown Times-Republican, a newspaper published in Marshall-  
5 town, Iowa.

Approved May 5, 1971.

I hereby certify that the foregoing Act, Senate File 190, was published in the Lee Town News, Des Moines, Iowa, May 13, 1971, and in the Marshalltown Times-Republican, Marshalltown, Iowa, May 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 205  
COUNTY LIBRARY DISTRICT  
S. F. 530

AN ACT relating to conditions of withdrawal from a county library district.

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

1 SECTION 1. Section three hundred fifty-eight B point sixteen  
2 (358B.16), Code 1971, is amended as follows:

3 **358B.16 Withdrawal of city or town from district.** Whenever any  
4 incorporated city or town, having maintained [an association] a  
5 library *pursuant to the provisions of chapter 378* for at least ten years  
6 [prior to the establishment of a county library which has become a  
7 part of the tax supported city or town library and being a part of the  
8 county library district,] and having levied a tax of its own [equal to  
9 or greater than that of the county library district] for the same pur-  
10 pose, shall decide to withdraw from the county library district, it may  
11 do so by giving notice by certified mail to the board of library trustees  
12 of said county library and the county auditor prior to July 10, by the  
13 governing body of said incorporated city or town, of its withdrawal  
14 from the county library district, and [thereafter said incorporated  
15 city or town,] shall cease to be a part of or included in said county  
16 library district.

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 206

## COMMISSION FORM CITIES

H. F. 567

AN ACT relating to commission form cities.

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

1 SECTION 1. Section three hundred sixty-three B point two  
2 (363B.2), Code 1971, is amended as follows:

3 **363B.2 Council—cities of less than 30,000 population.** [Cities]  
4 *Except as otherwise provided in section 363B.3, cities* operating under  
5 the commission form of government, and having a population of less  
6 than thirty thousand, shall be governed by a council consisting of a  
7 mayor and two councilmen elected at large. One councilman shall be  
8 elected to preside over the departments of accounts and finances and  
9 public safety. One councilman shall be elected to preside over the de-  
10 partments of parks and public property and streets and public im-  
11 provements.

1 SEC. 2. Section three hundred sixty-three B point three (363B.3),  
2 Code 1971, is amended as follows:

3 **363B.3 Reduction or increase in population.** Whenever any city  
4 shall have been organized on the commission plan on or before July 4,  
5 1951, no reduction or increase of the population of such city, shown by  
6 a subsequent census shall have any effect upon the organization and  
7 number of councilmen but the same shall continue, remain, and be as  
8 then by law prescribed for cities of the population such city had at the  
9 time its electors voted to adopt such plan of government as shown by  
10 the then preceding census.

11 *If a city with the commission form of government and a council con-*  
12 *sisting of a mayor and four councilmen has a reduction in population*  
13 *to less than thirty thousand, as determined by the federal decennial*  
14 *census conducted in 1970 or a subsequent certified federal census, the*  
15 *council may submit to the voters of the city, either at the next regular*  
16 *city election or at a special election, the question of whether to change*  
17 *to a council consisting of a mayor and two councilmen, as provided in*  
18 *section 363B.2. If the question is submitted at a special election and*  
19 *the change is approved by a majority of the voters, the change shall*  
20 *become effective with the term of office beginning the following Jan-*  
21 *uary. If the question is submitted at the next regular election and the*  
22 *change is approved by a majority of the voters, the change shall be-*  
23 *come effective with the term of office beginning in January two years*  
24 *subsequent to the January next following the election. If the question*  
25 *is submitted at either the next regular election or a special election and*  
26 *a change is not approved by a majority of the voters, the city shall*  
27 *continue to be governed by a council consisting of a mayor and four*  
28 *councilmen, as provided in section 363B.1.*

Approved June 14, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 207

## MUNICIPAL PARK LEASES

S. F. 256

AN ACT authorizing cities and towns to acquire land by lease for park purposes, and to finance the acquisition or improvement of the leased land by issuing general obligation bonds.

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

1 SECTION 1. Section three hundred seventy point seven (370.7),  
 2 unnumbered paragraph one (1), Code 1971, is amended as follows:  
 3 370.7 Park bonds and taxes. Cities and towns are [hereby] au-  
 4 thorized to contract indebtedness and to issue general obligation  
 5 bonds to provide funds to pay the cost of the acquisition [or perma-  
 6 nent improvement or both of real estate] *of lands, the acquisition*  
 7 *and permanent improvement of lands, or the permanent improvement*  
 8 *of lands owned or leased by the cities or towns* for park purposes  
 9 within or without their [corporation] *corporate* limits, including, but  
 10 not [in limitation of the foregoing] *limited to*, the paving, macadam-  
 11 izing and otherwise improving the roadways, drives, avenues and  
 12 walks in and through [such] parks.

1 SEC. 2. Section three hundred seventy point eleven (370.11),  
 2 Code 1971, is amended as follows:

3 370.11 Acquisition of real estate. [Said] *The* park board may  
 4 acquire real estate within or without the city for park purposes by  
 5 donation, *lease*, purchase, or condemnation, [and] take the title to  
 6 [the same] *real estate* in the name of the board in trust for the public,  
 7 and hold [the same] *it* exempt from taxation.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Marion  
 3 Sentinel, a newspaper published in Marion, Iowa, and in the Fort  
 4 Dodge Messenger and Chronicle, a newspaper published in Fort  
 5 Dodge, Iowa.

Approved May 7, 1971.

I hereby certify that the foregoing Act, Senate File 256, was published in The Marion Sentinel, Marion, Iowa, May 13, 1971, and in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, May 12, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 208†

## BRIDGES ACQUIRED BY CITIES

S. F. 8

AN ACT relating to the acquisition of bridges.

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

1 SECTION 1. Section three hundred eighty-three point one (383.1),  
 2 Code 1971, is amended as follows:

†See Editor's note, page iii.

3     **383.1 Principal grant of power.** Any city in this state may acquire  
4 by purchase, bargain and sale, lease, sublease, gift, or otherwise, any  
5 existing bridge, including approaches and avenues, rights of way or  
6 easements of access to approaches, necessary real and personal prop-  
7 erty incident thereto and franchises, special privileges, leases and con-  
8 tracts in connection with such bridges, and to so acquire any bridge  
9 and aforesaid facilities; and may construct and contract for the con-  
10 struction of, and to acquire by purchase, lease, sublease, gift, or other-  
11 wise, bridges, including all of aforesaid appurtenances, facilities, and  
12 property; and may repair, maintain, extend, renew, reconstruct, re-  
13 place, or enlarge and to mortgage or lease and to use and operate any  
14 such as toll or free bridges, either or both from time to time, for public  
15 use and travel of all kinds by railroads, street railways, bus lines,  
16 vehicles, and pedestrians and other uses, any or all as may be deter-  
17 mined by the governing body of the city, and to use same for public  
18 utility purposes, and to fix the rates of toll or the charges for the use  
19 of same, and to grant nonexclusive franchises for use of same for  
20 public utility purposes upon such terms and conditions as may be pre-  
21 scribed by ordinance, and to exercise all such powers within the city  
22 limits and five miles outside thereof within the state of Iowa, and any  
23 adjoining state, but only across any navigable or nonnavigable stream  
24 forming the boundary between such states, after having obtained any  
25 authority which may be necessary from such states and the United  
26 States, and to exercise such powers either directly through the gov-  
27 erning body of the city or any committee thereof or through a bridge  
28 commission created as in this chapter provided, or part any one and  
29 part any other.

1     SEC. 2. Section three hundred eighty-three point nine (383.9),  
2 Code 1971, is amended as follows:

3     **383.9 Power to issue bonds.** To finance any of the purposes or  
4 powers provided for in this chapter, the city council or governing body  
5 of any such city shall in the first instance determine whether any pur-  
6 chase or construction authorized by this chapter shall be financed by  
7 bonds which are general obligations of the city and which may also be  
8 supported by a lien or mortgage on the bridge itself or upon the tolls  
9 to be derived therefrom, or both, or by revenue bonds as provided for  
10 in this chapter and which are charges solely against the revenue to be  
11 derived from such bridge through the collection of tolls, or part one  
12 kind of bonds and part the other, but shall not have authority to pur-  
13 chase, nor construct any bridge, nor to issue any bonds, except pre-  
14 liminary bonds specially authorized by this chapter, until first author-  
15 ized by the majority vote of the electors voting on such proposition,  
16 which proposition shall indicate the method of acquiring the bridge  
17 and the kind or kinds of bonds, at a special election called for that  
18 purpose or at any general or city election. This grant of power to  
19 issue bonds is in addition to any other which may now have been or  
20 hereafter may be conferred upon such city, and shall be free from the  
21 restrictions now imposed on cities upon the issuance of bonds and  
22 incurring of indebtedness, and subject only to the provisions of the  
23 Constitution of Iowa. At such election the proposition shall be sepa-  
24 rate as to each bridge to be acquired or constructed and the amount  
25 of bonds may be either a specific amount equal to the estimated total

26 cost of every nature plus not to exceed twenty-five percent, or may be  
27 general and authorize the issuance of bonds in such amount as may be  
28 found necessary from time to time to complete the acquisition, con-  
29 struction, and equipment of the bridge and all costs incident thereto,  
30 or may be part one and part the other. For all purposes of financing,  
31 the total cost of any improvement authorized by this chapter may  
32 include every item of expense in connection with the project, and  
33 among other items shall also include the cost of acquiring every inter-  
34 est of every nature and of every person in any existing bridge, the  
35 cost of constructing the superstructure, roadway, and substructure  
36 of any bridge, the approaches, and avenues or rights of way of access  
37 thereto and necessary real estate in connection therewith, tollhouses  
38 and equipment thereof and of the bridge, franchises, easements, rights  
39 or damages incident to or consequent upon the complete project,  
40 expenses preliminary to construction, including investigation and  
41 expenses incident thereto, and prior to and during construction the  
42 proper traffic estimates, interest upon bonds, and all such other ex-  
43 penses as after the beginning of operation would be properly charge-  
44 able as cost of operation, maintenance, and repairs.

1 SEC. 3. Section three hundred eighty-three point twenty-eight  
2 (383.28), Code 1971, is amended as follows:

3 383.28 **Submission to the electors.** Any proposition or proposi-  
4 tions arising in connection with the exercise of any of the powers  
5 granted by this chapter, may be submitted by the governing body of  
6 the city to the electors thereof at any general or city election or at any  
7 special election called for that purpose, and any proposition shall be  
8 carried if the majority of the electors voting thereon vote in favor  
9 thereof. No bridge shall be finally or irrevocably acquired by purchase  
10 unless and until such action and the necessary financing shall have  
11 been approved by the majority of the electors voting on the proposi-  
12 tion at a general or city election or at a special election called for that  
13 purpose. Two or more propositions or questions may be submitted at  
14 the same election and on the same ballot provided each is so presented  
15 that the electors may vote separately upon each proposition. A vote  
16 of the electors authorizing independent action shall by operation of  
17 law be held to also authorize joint action for the purpose so authorized,  
18 but a vote on a proposition of joint action shall not be held to authorize  
19 independent action. The governing body of the city is hereby author-  
20 ized to determine what shall be included in the proposition to be stated  
21 in notices of election and upon the ballots in its full discretion **except**  
22 that any proposition must indicate that the bridge to be acquired is an  
23 existing bridge or a new bridge is to be constructed and the kind of  
24 bonds to be issued to finance the same, and the amount of such bonds  
25 may be set forth in any manner authorized in this chapter.

1 SEC. 4. Sections three hundred eighty-three point seven (383.7),  
2 three hundred eighty-three point eighteen (383.18), and three hun-  
3 dred eighty-three point twenty-five (383.25), Code 1971, are repealed.

Approved March 16, 1971.



## CHAPTER 209

## MUNICIPAL WASTE TREATMENT

## H. F. 707

AN ACT to permit cities of not less than thirteen nor more than seventeen thousand population, located on a navigable river, to enter into a single responsibility contract for construction of a waste treatment facility.

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

1 SECTION 1. Chapter three hundred ninety-four (394), Code 1971,  
2 is amended by adding the following new sections:

3 1. "All cities having a population of not less than thirteen thousand  
4 and not more than seventeen thousand and which are located on a  
5 navigable river may, for the purpose of carrying out a pilot project  
6 enter into a turn-key or single responsibility contract with a private  
7 corporation for the construction of a municipal waste treatment  
8 facility to be used in the treatment, purification, and disposal in a  
9 sanitary manner of the liquid and solid waste, sewage, and industrial  
10 waste of the city.

11 A turn-key or single responsibility contract is a contract which  
12 includes not only the construction work but also all necessary en-  
13 gineering services, including process and mechanical design, provi-  
14 sions for the start-up of the new facility, performance guarantee, and  
15 other necessary and related items."

16 2. "The provisions of section twenty-three point eighteen (23.18) of  
17 the Code are applicable to a contract awarded under this Act, so far  
18 as possible, except that a city is not required to let the contract to the  
19 lowest responsible bidder, but may enter into any contract that the  
20 council deems to be in the best interests of the city, taking into con-  
21 sideration the performance guarantee, completion date, construction  
22 cost, capacity of the facility, and other relevant factors."

23 3. "Sections twenty-three point two (23.2) to twenty-three point  
24 eleven (23.11), inclusive, of the Code are not applicable to contracts  
25 authorized by this Act.

26 The provisions of chapter three hundred ninety-four (394) of the  
27 Code as to financing contracts awarded under the chapter are appli-  
28 cable to contracts authorized by this Act."

29 4. "The provisions of chapter four hundred fifty-five B (455B) of  
30 the Code which require the Iowa water pollution control commission,  
31 through the state department of health, to approve all plans and  
32 specifications on a municipal waste treatment facility prior to calling  
33 for construction bids are not applicable to contracts authorized by this  
34 Act. However, after bids have been received and evaluated by the  
35 governing body and the best bid determined, a city shall not award a  
36 contract until the award is approved by the state department of  
37 health."

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 Daily*  
3 *Gate City*, a newspaper published in Keokuk, Iowa, and in *The Evening*  
4 *Democrat*, a newspaper published in Fort Madison, Iowa.

Approved June 14, 1971.

I hereby certify that the foregoing Act, House File 707, was published in The Daily Gate City, Keokuk, Iowa, June 24, 1971, and in the Evening Democrat, Fort Madison, Iowa, June 19, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 210

### COLLECTION OF SALES AND USE TAXES

#### H. F. 570

AN ACT relating to the collection of sales and use taxes.

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

1 SECTION 1. Section four hundred twenty-two point fifty-two  
2 (422.52), subsection one (1), Code 1971, is amended as follows:  
3 1. The tax levied hereunder shall be due and payable in quarterly  
4 installments on or before the last day of the month next succeeding  
5 each quarterly period, the first of such quarterly periods being the  
6 period commencing with April 1, 1937, and ending on the thirtieth  
7 day of June, 1937; provided, however, commencing with the period  
8 beginning January 1, 1966, every retailer who collects more than five  
9 hundred dollars in retail sales tax in any one month commencing  
10 with January 1, 1966, shall deposit with the department or in a deposi-  
11 tory bank designated by the director, said sum, made out on a deposit  
12 form for the month in such form and manner as may be prescribed  
13 by the director, said deposit form being due on or before the twen-  
14 tieth day of the month next succeeding the month of collection, ex-  
15 cept no deposit will be required for the third month of the calendar  
16 quarter and the total quarterly amount, less the amounts deposited  
17 for the first two months of the quarter, will be due with the quarterly  
18 report on the last day of the month next succeeding the month of  
19 collection. *Provided further, however, commencing April 1, 1971,*  
20 *every retailer who collects more than fifty dollars in retail sales tax*  
21 *in any one month commencing with April 1, 1971, shall deposit with*  
22 *the department or in a depository bank designated by the director,*  
23 *said sum, made out on a deposit form for the month in such form and*  
24 *manner as may be prescribed by the director, said deposit form being*  
25 *due on or before the twentieth day of the month next succeeding the*  
26 *month of collection, except no deposit will be required for the third*  
27 *month of the calendar quarter and the total quarterly amount, less*  
28 *the amounts deposited for the first two months of the quarter, will*  
29 *be due with the quarterly report on the last day of the month next*  
30 *succeeding the month of collection.* Said monthly remittance proce-  
31 dure shall be optional for any sales tax permit holder whose average  
32 monthly collection of tax amounts to more than twenty-five dollars  
33 and less than five hundred dollars *prior to April 1, 1971 and less than*  
34 *fifty dollars from and after April 1, 1971.* If the exact amounts of  
35 the taxes due on the monthly deposit form are not ascertainable by  
36 the retailer, or would work undue hardship in the computation of the  
37 taxes due by the retailer, the director may provide by rules and regu-  
38 lations alternative procedures for estimating the amounts (but not  
39 the dates) so due by the retailers. The form so prescribed by the

40 director shall be referred to as "retailers monthly tax deposit". De-  
 41 posit forms shall be signed by the retailer or his duly authorized  
 42 agent, and must be duly certified by him to be correct. The director  
 43 may authorize incorporated banks and trust companies which are  
 44 depositories or financial agents of the United States, or of this state,  
 45 to receive any tax imposed under this chapter, in such manner, at  
 46 such times and under such conditions as the director may prescribe.  
 47 The director shall prescribe the manner, times, and conditions under  
 48 which the receipt of such tax by such banks and trust companies is  
 49 to be treated as payment of such tax to the department.

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  
 3 Sioux Center News, a newspaper published in Sioux Center, Iowa, and  
 4 in Grinnell Herald-Register, a newspaper published in Grinnell, Iowa.

Approved April 22, 1971.

I hereby certify that the foregoing Act, House File 570, was published in The Sioux Center News, Sioux Center, Iowa, April 29, 1971, and in the Grinnell Herald-Register, Grinnell, Iowa, April 29, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 211

### REMITTANCE OF SALES AND USE TAXES

S. F. 574

AN ACT relating to the remittance of sales and use tax receipts to the department of revenue.

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

1 SECTION 1. Section four hundred twenty-two point fifty-two  
 2 (422.52), subsection one (1), Code 1971, as amended by House File  
 3 five hundred seventy (570), section one (1), Acts of the Sixty-fourth  
 4 General Assembly, First Session, is further amended as follows:  
 5 1. The tax levied hereunder shall be due and payable in quarterly  
 6 installments on or before the last day of the month next succeeding  
 7 each quarterly period, the first of such quarterly periods being the  
 8 period commencing with April 1, 1937, and ending on the thirtieth  
 9 day of June, 1937; provided, however, commencing with the period  
 10 beginning January 1, 1966, every retailer who collects more than five  
 11 hundred dollars in retail sales tax in any one month commencing with  
 12 January 1, 1966, shall deposit with the department or in a depository  
 13 bank designated by the director, said sum, made out on a deposit form  
 14 for the month in such form and manner as may be prescribed by the  
 15 director, said deposit form being due on or before the twentieth day  
 16 of the month next succeeding the month of collection, except no de-  
 17 posit will be required for the third month of the calendar quarter and  
 18 the total quarterly amount, less the amounts deposited for the first  
 19 two months of the quarter, will be due with the quarterly report on  
 20 the last day of the month next succeeding the month of collection.  
 21 Provided further, however, commencing April 1, 1971, every retailer  
 22 who collects more than fifty dollars *and not more than five hundred*

23 *dollars* in retail sales tax in any one month commencing with April  
 24 1, 1971, shall deposit with the department or in a depository bank  
 25 designated by the director, said sum *or an amount equal to not less than*  
 26 *thirty percent of the tax collected and paid to the department during*  
 27 *the last preceding quarter*, made out on a deposit form for the month  
 28 in such form and manner as may be prescribed by the director, said  
 29 deposit form being due on or before the twentieth day of the month  
 30 next succeeding the month of collection, except no deposit will be  
 31 required for the third month of the calendar quarter and the total  
 32 quarterly amount, less the amounts deposited for the first two months  
 33 of the quarter, will be due with the quarterly report on the last day  
 34 of the month next succeeding the month of collection. Said monthly  
 35 remittance procedure shall be optional for any sales tax permit  
 36 holder whose average monthly collection of tax amounts to more than  
 37 twenty-five dollars and less than five hundred dollars prior to April  
 38 1, 1971 and less than fifty dollars from and after April 1, 1971. If  
 39 the exact amounts of the taxes due *or an amount equal to not less*  
 40 *than thirty percent of the tax collected and paid to the department*  
 41 *during the last preceding quarter* on the monthly deposit form are  
 42 not ascertainable by the retailer, or would work undue hardship in  
 43 the computation of the taxes due by the retailer, the director may  
 44 provide by rules and regulations alternative procedures for estimat-  
 45 ing the amounts (but not the dates) so due by the retailers. The  
 46 form so prescribed by the director shall be referred to as "retailers  
 47 monthly tax deposit". Deposit forms shall be signed by the retailer  
 48 or his duly authorized agent, and must be duly certified by him to be  
 49 correct. The director may authorize incorporated banks and trust  
 50 companies which are depositories or financial agents of the United  
 51 States, or of this state, to receive any tax imposed under this chapter,  
 52 in such manner, at such times and under such conditions as the director  
 53 may prescribe. The director shall prescribe the manner, times, and  
 54 conditions under which the receipt of such tax by such banks and  
 55 trust companies is to be treated as payment of such tax to the  
 56 department.

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 212

### SALES TAX PENALTY

S. F. 349

AN ACT relating to the penalty and interest for the sales tax.

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

- 1 SECTION 1. Section four hundred twenty-two point fifty-nine
- 2 (422.59), Code 1971, is amended as follows:
- 3 422.59 Statutes applicable. The director shall administer the taxes
- 4 imposed by this division in the same manner and subject to all the
- 5 provisions of, and all of the powers, duties, authority, and restric-
- 6 tions contained in *subsection 4* of section 422.25, section 422.30 and

7 sections 422.67 to 422.75, inclusive, or any amendments which may  
 8 hereafter be made thereto, all of which sections are by this reference  
 9 incorporated herein.

Approved May 14, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 213

### SALES TAX ON MOTOR VEHICLES

S. F. 510

AN ACT relating to sales and use tax, the distribution of revenue therefrom, and providing penalties.

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

1 SECTION 1. Notwithstanding the provisions of subsection three (3)  
 2 of section four hundred twenty-two point sixty-nine (422.69) of the  
 3 Code, there is appropriated from the general fund of the state for  
 4 the fiscal year beginning July 1, 1971 and ending June 30, 1972 the  
 5 sum of one million five hundred forty-five thousand (1,545,000) dollars  
 6 and for the fiscal year beginning July 1, 1972 and ending June 30,  
 7 1973 the sum of four hundred fifty thousand (450,000) dollars  
 8 to the department of public safety, division of motor vehicle reg-  
 9 istration, for the purpose of purchasing supplies and materials,  
 10 and for the cost of manufacture of motor vehicle registration plates  
 11 and validation emblems at prison industries. The appropriation pro-  
 12 vided in this section shall be in lieu of the transfer of funds provided  
 13 for in subsection three (3) of section four hundred twenty-two point  
 14 sixty-nine (422.69) of the Code for the fiscal years for which this  
 15 appropriation is provided.

1 SEC. 2. Notwithstanding the provisions of subsection five (5) of  
 2 section four hundred twenty-two point sixty-nine (422.69) of the  
 3 Code, during the last quarter of the fiscal years ending June 30, 1972,  
 4 and June 30, 1973, the net receipts of all the sales tax collected under  
 5 division four (IV) of chapter four hundred twenty-two (422) of the  
 6 Code, shall be credited to the general fund of the state. The transfer  
 7 of funds provided in this section shall supersede the transfer of funds  
 8 provided for in subsection five (5) of section four hundred twenty-  
 9 two point sixty-nine (422.69) of the Code for the fiscal years ending  
 10 June 30, 1972 and June 30, 1973.

1 SEC. 3. Notwithstanding the provisions of section eight point  
 2 thirty-three (8.33) of the Code, all unencumbered or unobligated bal-  
 3 ances of appropriations made by this Act for the first fiscal year of  
 4 the biennium commencing July 1, 1971 shall, on September 30, 1972,  
 5 revert to the state treasury and to the credit of the fund from which  
 6 appropriated. In all other respects the provisions of section eight  
 7 point thirty-three (8.33) of the Code shall apply to appropriations  
 8 made for the first fiscal year of such biennium. Unencumbered or

9 unobligated balances of appropriations made for the second fiscal year  
10 of such biennium shall be subject to section eight point thirty-three  
11 (8.33) of the Code.

1 SEC. 4. Section four hundred twenty-two point forty-two (422.42),  
2 subsection six (6), paragraph "b", Code 1971, is amended as follows:  
3 b. That in all transactions in which tangible personal property is  
4 traded toward the purchase price of tangible personal property of  
5 greater value [except the sale of vehicles subject to registration under  
6 the laws of this state], the gross receipts shall be only that portion of  
7 the purchase price represented by the difference between the total  
8 purchase price of such tangible personal property of greater value and  
9 the amount of such tangible personal property traded.

1 SEC. 5. Section four hundred twenty-two point forty-five (422.45),  
2 Code 1971, is amended by striking subsection four (4) and inserting  
3 in lieu thereof the following:

4 4. The gross receipts from sales of vehicles subject to registration.

1 SEC. 6. Section four hundred twenty-three point one (423.1), sub-  
2 section three (3), Code 1971, is amended as follows:

3 3. "Purchase price" means the total amount for which tangible  
4 personal property is sold, valued in money, whether paid in money or  
5 otherwise; provided that cash discounts and [except the sale of vehi-  
6 cles subject to registration under the laws of this state,] trade-in  
7 allowances taken on sales shall not be included.

1 SEC. 7. Section four hundred twenty-three point one (423.1),  
2 Code 1971, is amended by striking subsection seven (7) and inserting  
3 in lieu thereof the following:

4 7. "Vehicles subject to registration" means any vehicle subject to  
5 registration pursuant to section three hundred twenty-one point  
6 eighteen (321.18) of the Code.

1 SEC. 8. Section four hundred twenty-three point four (423.4),  
2 subsection one (1), Code 1971, is amended as follows:

3 1. Tangible personal property, the gross receipts from the sale of  
4 which are required to be included in the measure of the tax imposed  
5 by division IV of chapter 422, and any amendments made or which  
6 may hereafter be made thereto. This exemption does not include  
7 [new motor vehicles as defined herein] *vehicles subject to registra-*  
8 *tion.*

1 SEC. 9. Section four hundred twenty-three point four (423.4),  
2 subsection six (6), Code 1971, is amended as follows:

3 6. Tangible personal property, the gross receipts from the sale of  
4 which are exempted from the retail sales tax by the terms of section  
5 422.45, *except subsection 4 and subsection 6 of section 422.45 as it*  
6 *relates to the sale of vehicles subject to registration.*

1 SEC. 10. Section four hundred twenty-three point six (423.6),  
2 subsection one (1), Code 1971, is amended as follows:

3 1. The tax upon the use of all [new motor vehicles and new trail-  
4 ers] *vehicles subject to registration* shall be collected by the county  
5 treasurer *who shall retain twenty-five cents from each tax payment*  
6 *collected for use and benefit of the county general fund* or department  
7 of public safety pursuant to the provisions of section 423.7.

1 SEC. 11. Section four hundred twenty-three point seven (423.7),  
2 Code 1971, is amended as follows:

3 **423.7 Motor vehicles.** The tax hereby imposed upon the use of  
4 [new motor vehicles and new trailers] *vehicles subject to registra-*  
5 *tion* shall be paid by the owner thereof to the county treasurer or  
6 department of public safety from whom the [original certificate of]  
7 registration *receipt* [for such motor vehicle or trailer] is obtained.  
8 No [original certificate of] registration *receipt* for any [new motor  
9 vehicle or new trailer] *vehicle subject to registration* shall be issued  
10 until said tax has been so paid. The county treasurer or department  
11 of public safety shall require every applicant for [an original certifi-  
12 cate of] *a registration receipt* for any [new motor vehicle or new  
13 trailer] *vehicle subject to registration* to supply such information as  
14 he or the director may deem necessary as to the time of purchase, the  
15 purchase price, and other information relative to the purchase of said  
16 [motor vehicle or trailer] *vehicle subject to registration*. On or be-  
17 fore the tenth day of each month the county treasurer or department  
18 of public safety shall remit to the department the amount of the  
19 taxes so collected during the preceding month, [together with an  
20 itemized statement on forms furnished by the department showing  
21 the name of each taxpayer, the make and purchase price of each mo-  
22 tor vehicle or trailer, the amount of tax paid in each case, and such  
23 other information as the director may\* require] *accompanied by a*  
24 *copy of each registration receipt issued in conjunction with the cer-*  
25 *tificate of title issued for each vehicle subject to registration.*

1 SEC. 12. Section four hundred twenty-three point eight (423.8),  
2 Code 1971, is amended as follows:

3 **423.8 Sales tax report—deduction.** Motor vehicle or trailer deal-  
4 ers, in making their reports and returns to the department for the  
5 purpose of paying the retail sales tax imposed by division IV of chap-  
6 ter 422, shall be permitted to deduct all gross receipts from retail  
7 sales of [new motor vehicles and new trailers] *vehicles subject to reg-*  
8 *istration*. Gross receipts from [such new motor vehicle and new  
9 trailer] sales of *vehicles subject to registration* are hereby expressly  
10 exempted from the tax imposed by said division IV, but, if required  
11 by the director, such gross receipts shall be included in the returns  
12 made by motor vehicle or trailer dealers under said division IV, and  
13 proper deductions taken pursuant to this section.

1 SEC. 13. Section three hundred twenty-one point twenty (321.20),  
2 Code 1971, is amended by adding the following new subsection:

3 "The amount of tax to be paid under section four hundred twenty-  
4 three point seven (423.7) of the Code."

1 SEC. 14. Section three hundred twenty-one point twenty-four  
2 (321.24), Code 1971, is amended as follows:

3 **321.24 Issuance of registration and certificate of title.** Upon re-  
4 ceipt of the application for title and payment of the required fees for  
5 motor vehicle, trailer, or semitrailer, the county treasurer shall, when  
6 satisfied as to the genuineness and regularity thereof, issue a regis-  
7 tration receipt and certificate of title and shall file the application, the  
8 manufacturer's or importer's certificate, certificate of title, or other  
9 evidence of ownership, as prescribed by the department. The reg-

\*According to enrolled Act.

10 istration receipt shall be delivered to the owner and shall contain  
11 upon the face thereof the date issued, the name and address of  
12 the owner, the registration number assigned to the vehicle, the title  
13 number assigned to the owner of the vehicle, the amount of the fee  
14 paid, *the amount of tax paid pursuant to section four hundred twenty-*  
15 *three point seven (423.7)*, type of fuel used and such description of  
16 the vehicle as determined by the department and upon the reverse side  
17 a form for notice of transfer of the vehicle. One copy of the regis-  
18 tration receipt shall be retained by the county treasurer in a regis-  
19 tration number file and said file shall be open for public inspection  
20 during reasonable business hours. Two copies shall be mailed to  
21 the department on date of issuance. The certificate of title shall con-  
22 tain upon the face thereof the identical information required upon  
23 the face of the registration receipt and such information shall be so  
24 placed on the title form as to permit the county treasurer to prepare  
25 the certificate of title simultaneously with the registration receipt.  
26 In addition thereto, the certificate of title shall contain a statement of  
27 the owner's title, *the amount of tax paid pursuant to section 423.7*,  
28 name and address of previous owner, and a statement of all liens and  
29 encumbrances as shown in the application, upon the vehicle therein  
30 described including the nature of the lien or liens, amount, date of  
31 notation and name and address of lienholder or lienholders. Said  
32 certificate shall bear thereon the seal of the county treasurer, his  
33 signature or that of his deputy, and shall provide space for the sig-  
34 nature of the owner. Upon receipt of certificate of title the owner  
35 shall write his name with pen and ink in the space provided. The  
36 certificate of title shall contain upon the reverse side a form for  
37 assignment of title or interest and warranty thereof by the owner,  
38 for reassignments by a licensed dealer and for application for a new  
39 certificate of title by the transferee as provided in this chapter. All  
40 certificates of title shall be typewritten and shall be issued in tripli-  
41 cate. The original certificate of title shall be delivered to the owner  
42 in the event no lien or encumbrance appears thereon. Otherwise the  
43 certificate of title shall be delivered by the county treasurer to the per-  
44 son holding the first lien or encumbrance as shown in the certificate.  
45 One copy of the certificate shall be retained by the county treasurer in  
46 a title number file in the manner prescribed by the department and  
47 shall remain in the file of the county issuing the title for a period of  
48 three years from the date of notification of cancellation or that a new  
49 title has been issued as provided in this chapter after which it may  
50 be destroyed. One copy shall be mailed to the department on the  
51 date of issuance. The department shall designate a uniform system  
52 of title numbers so as to indicate the county of issuance.

1 SEC. 15. Chapter four hundred twenty-three (423), Code 1971, is  
2 amended by adding the following new section:

3 "Any person who willfully makes any false statement in regard to  
4 the purchase price of a vehicle subject to taxation under section four  
5 hundred twenty-three point seven (423.7) of the Code is guilty of a  
6 misdemeanor."

1 SEC. 16. Section three hundred twenty-one point thirty-five  
2 (321.35), Code 1971, is amended by adding the following new para-  
3 graph:



4 "All motor vehicle registration plates shall be treated with a re-  
5 flective material according to specifications prescribed by the com-  
6 missioner of public safety."

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 214

### INCOME TAX RETURNS PREPARED—CONFIDENTIAL

#### H. F. 141

AN ACT relating to disclosure of information learned during the preparation of tax returns and providing a penalty for violations.

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

1 SECTION 1. **Definition.** As used in this Act, unless the context  
2 otherwise requires:

3 1. "Person" means any person, firm, corporation, association,  
4 partnership or an employee or agent of one of these.

5 2. "Tax return" means any federal, state, or local form required  
6 to be filled out, by or for a taxpayer, incident to the collection or re-  
7 fund of a tax.

8 3. "Information" for the purpose of this Act shall include but not  
9 be limited to the name, address and statistical data of the taxpayer.

1 SEC. 2. **Disclosure prohibited.** A person who obtains any informa-  
2 tion in the course of or arising out of the business of preparing or  
3 assisting in the preparation of a tax return of another person, shall  
4 not disclose any of the information obtained unless the disclosure is  
5 within any of the following:

6 1. Consented to in writing by the taxpayer in a separate document.

7 2. Expressly authorized by state or federal law.

8 3. Necessary to the preparation of the return.

9 4. Pursuant to court order.

1 SEC. 3. **Engaged in business.** A person is engaged in the business  
2 of preparing income tax returns or assisting in preparing of returns  
3 if he does any of the following:

4 1. Advertises, or gives publicity to the effect that he prepares or  
5 assists others in the preparation of tax returns.

6 2. Prepares or assists others in the preparation of tax returns for  
7 compensation.

1 SEC. 4. **Penalty.** A person who violates the provisions of this Act  
2 shall upon conviction be punished by imprisonment in the county jail  
3 for not more than one year or be fined not more than ten thousand  
4 dollars or punished by both such imprisonment and fine.

Approved April 1, 1971.

## CHAPTER 215

## TAXATION OF LIBRARIES

S. F. 361

AN ACT relating to the taxation of private and professional libraries.

*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 1971, is amended by striking subsection fifteen (15).

Approved May 14, 1971.

## CHAPTER 216

## RURAL ELECTRIC CO-OPERATIVES

H. F. 197

AN ACT relating to taxation and regulation of rural electric cooperatives.

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

- 1 SECTION 1. Section four hundred thirty-seven point fourteen  
2 (437.14), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:  
4 "Notwithstanding the provisions of sections four hundred thirty-  
5 seven point one (437.1) and four hundred forty-one point twenty-one  
6 (441.21) of the Code, cooperative corporations or associations which  
7 are not organized for profit shall file a verified statement as provided  
8 by section four hundred thirty-seven point two (437.2) of the Code,  
9 and the director of revenue shall determine the value and shall assess  
10 electric lines and associated facilities outside the incorporated areas of  
11 cities and towns of the cooperative corporations or associations which  
12 are not organized for profit as follows:  
13 1. Electric lines and associated facilities operating at thirty-four  
14 thousand five hundred volts or higher voltage, and substations, trans-  
15 formers and associated facilities operated at thirty-four thousand five  
16 hundred or more volts on the low voltage side are defined as trans-  
17 mission lines and shall be valued and assessed as otherwise provided  
18 in this chapter.  
19 2. Electric lines and associated facilities operated at less than  
20 thirty-four thousand five hundred volts and substations, transformers  
21 and associated facilities operated at less than thirty-four thousand  
22 five hundred volts on the low voltage side are defined as distribution  
23 lines and the actual value thereof for the purpose of section four  
24 hundred thirty-seven point six (437.6) of the Code shall be twenty-  
25 five percent of the original cost of the distribution lines.  
26 Except as provided in this section, the taxation of electric lines and  
27 associated facilities of the cooperative corporations or associations  
28 shall be identical, including rates of capitalization, to the provisions  
29 for other electric lines as provided in this chapter.  
30 3. Any electric lines and associated facilities described in this sec-  
31 tion which are included within the boundaries of a city or town as a  
32 result of annexation, incorporation or otherwise, shall be valued,

33 assessed and taxed in the manner provided for valuation, assessment  
 34 and taxation of transmission lines under this Act and may continue  
 35 service to premises of existing customers as of the effective date of  
 36 this Act or to premises of customers included by subsequent annexa-  
 37 tion or incorporation within such area under the provisions of sec-  
 38 tion four hundred ninety A point twenty-three (490A.23) of the  
 39 Code, except that such lines used to serve the premises of such exist-  
 40 ing customers shall be exchanged or shall be purchased at the end of  
 41 six years from the date the corporate boundaries are so extended  
 42 only upon the voluntary agreement of the utilities involved and not-  
 43 withstanding section 490A.1, all rates charged by a cooperative cor-  
 44 poration or association to various classes of consumers within the  
 45 annexed area shall be regulated by the Iowa state commerce commis-  
 46 sion under chapter 490A. Any such electric lines, whether transmis-  
 47 sion or distribution lines, located within the boundaries of a city or  
 48 town shall be listed and assessed for taxation as provided in section  
 49 four hundred thirty-seven point thirteen (437.13) of the Code and  
 50 shall be subject to all ordinances of the city or town including the  
 51 authority of any such city or town to impose taxes, charges or fees  
 52 as provided by law."

1 SEC. 2. This Act shall apply to taxes levied in the year 1971 which  
 2 are payable in the year 1972 and to taxes levied thereafter.

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The  
 3 Pioneer-Republican, a newspaper published in Marengo, Iowa, and in  
 4 The Record-Herald and Indianola Tribune, a newspaper published in  
 5 Indianola, Iowa.

Approved May 7, 1971.

I hereby certify that the foregoing Act, House File 197, was published in The Pioneer-Republican, Marengo, Iowa, May 13, 1971, and in The Record-Herald and Indianola Tribune, Indianola, Iowa, May 13, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 217†

### PROPERTY OWNERS ASSESSMENT NOTICE

#### H. F. 87

AN ACT relating to notification of property owners regarding assessment rolls.

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

1 SECTION 1. Section four hundred forty-one point twenty-three  
 2 (441.23), Code 1971, is amended as follows:

3 441.23 Notice of valuation. If there has been an increase or  
 4 decrease in the valuation of the property, or upon the written request  
 5 of the person assessed, the assessor shall, at the time of making the  
 6 assessment, inform the person assessed, in writing, of the valuation  
 7 put upon his property, and notify him, if he feels aggrieved, to appear

†See Editor's note, page iii.

8 before the board of review and show why the assessment should be  
9 changed.

1 SEC. 2. Section four hundred forty-one point twenty-six (441.26),  
2 Code 1971, is amended as follows:

3 441.26 Assessment rolls and books. The director of revenue shall  
4 each year prescribe the form of assessment roll to be used by all  
5 assessors in assessing real and personal property, including moneys  
6 and credits, in this state, also the form of pages of the assessor's  
7 assessment book. Such assessment rolls shall be in such form as will  
8 permit entering thereon, separately, the names of all persons, part-  
9 nerships, corporations, or associations assessed; shall contain a form  
10 of oath or affirmation to be administered to each person assessed, and  
11 shall also contain a notice in the following form:

12 "If you are not satisfied that the foregoing assessment is correct,  
13 you may file a protest against such assessment with the board of  
14 review on or after May 1, to and including May 20, of the year of the  
15 assessment, such protest to be confined to the grounds specified in  
16 section 441.37. Dated ..... day of ....., 19....., .....,  
17 County/City Assessor."

18 Such assessment rolls shall be used in listing the property and  
19 showing the values affixed to such property of all persons, partner-  
20 ships, corporations, or associations assessed, which rolls shall be made  
21 in duplicate. Said duplicate roll shall be signed by the assessor,  
22 detached from the original and delivered to the person assessed if  
23 there has been an increase or decrease in the valuation of the prop-  
24 erty, or upon the written request of the person assessed. It shall be  
25 lawful to combine the affidavit or form of oath or affirmation with  
26 reference to real and personal property, and the affidavit or form of  
27 oath or affirmation as to moneys and credits, into one affidavit or form  
28 of oath or affirmation, and only the one such affidavit or form of oath  
29 or affirmation shall be sufficient on the assessment roll. The pages of  
30 the assessor's assessment book shall contain columns ruled and headed  
31 for the information required by this chapter and that which the direc-  
32 tor of revenue may deem essential in the equalization work of the direc-  
33 tor. The assessor shall return all assessment rolls and any schedules  
34 therewith to the county auditor, along with the completed assessment  
35 book, as provided in this chapter, and the county auditor shall care-  
36 fully keep and preserve all such rolls, schedules and book for a period  
37 of five years from the time of filing of the same in his office.

Approved February 5, 1971.

## CHAPTER 218

### IOWA INHERITANCE TAX

S. F. 500

AN ACT relating to the Iowa inheritance tax.

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

1 SECTION 1. Section four hundred fifty point seven (450.7), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

## 4 450.7 Lien of tax.

5 1. The tax is a charge against and a lien upon the estate subject  
6 to tax under this chapter, and all property of the estate or owned by  
7 the decedent from the death of the decedent until paid, subject to the  
8 following limitations:

9 a. Inheritance taxes owing with respect to a passing of property  
10 of a deceased person whose estate has not been administered in this  
11 state are no longer a lien against the property twenty years from the  
12 date of death of the decedent owner, except to the extent taxes are  
13 attributable to remainder or deferred interests which have not been  
14 finally vested in possession for at least ten years.

15 b. Inheritance taxes owing with respect to a passing of property of  
16 a deceased person whose estate has been administered in this state  
17 are no longer a lien against the property ten years from the date of  
18 death of the decedent owner, except to the extent taxes are attrib-  
19 utable to remainder or deferred interests and are deferred in accord-  
20 ance with the provisions of this chapter.

21 2. Notice of the lien is not required to be recorded. The rights of  
22 the state under the lien have priority over all subsequent mortgages,  
23 purchases, or judgment creditors; and a conveyance after the deced-  
24 ent's death of the property subject to a lien does not discharge the  
25 property except as otherwise provided in this chapter. The depart-  
26 ment of revenue may release the lien by filing in the office of the clerk  
27 of the court in the county where the property is located, the decedent  
28 owner died, or the estate is pending or was administered, one of the  
29 following:

30 a. A receipt in full payment of the tax.

31 b. A certificate of nonliability for the tax as to all property reported  
32 in the estate.

33 c. A release or waiver of the lien as to all or any part of the prop-  
34 erty reported in the estate, which shall release the lien as to the  
35 property designated in the release or waiver.

36 3. The sale, exchange, mortgage, or pledge of property by the  
37 personal representative pursuant to a testamentary direction or power,  
38 or under order of court, divests the property from the lien of the tax.  
39 The proceeds from such a sale, exchange, mortgage, or pledge shall  
40 be held by the personal representative subject to the same priorities  
41 for the payment of the tax as existed with respect to the property  
42 before the transaction, and the personal representative is personally  
43 liable for payment of the tax to the extent of the proceeds. Whenever  
44 there is a change in the status, type, or nature of the assets reported  
45 in the preliminary inventory, the change shall be reported on or before  
46 the filing of the final report when required by the department of  
47 revenue.

1 SEC. 2. Section four hundred fifty point ten (450.10), subsection  
2 six (6), Code 1971, is amended as follows:

3 6. When the property or any interest therein, or income therefrom,  
4 taxable under the provisions of this chapter passes to any person  
5 included under subsections 1 or 2 hereof, there shall be credited to  
6 the tax imposed on the individual share so passing an amount equal  
7 to the tax imposed *in this state* on the decedent on any property, real,  
8 personal or mixed, or the proportionate share thereof on property  
9 passing to the person taxed hereunder, which can be identified as hav-

10 ing been received by the decedent as a share in the estate of any person  
 11 who died within two years prior to the death of the decedent, or which  
 12 can be identified as having been acquired by the decedent in exchange  
 13 for property so received. *The credit shall not be applicable to taxes on*  
 14 *property of the decedent which was not acquired from the prior estate.*

1 SEC. 3. Section four hundred fifty point twenty-two (450.22),  
 2 Code 1971, is amended as follows:

3 **450.22 Administration avoided.** When the heirs or persons en-  
 4 titled to inherit the property of an estate subject to the tax hereby  
 5 imposed, desire to avoid the appointment of an administrator as pro-  
 6 vided in section 450.21, *and in all instances where real estate is in-*  
 7 *involved and no regular probate proceedings are had,* they or one of them  
 8 shall file under oath the inventories and reports and perform all the  
 9 duties required by this chapter, of administrators, including the  
 10 filing of the lien. Proceedings for the collection of the tax when no  
 11 administrator is appointed, shall conform as nearly as may be to the  
 12 provisions of this chapter in other cases.

1 SEC. 4. Section four hundred fifty point twenty-seven (450.27),  
 2 Code 1971, is amended as follows:

3 **450.27 Commission to appraisers.** [Whenever it appears that an  
 4 estate or any property or interest therein, including any property or  
 5 interest therein which has been transferred either in contemplation  
 6 of death, or to take effect in possession or enjoyment at or after death  
 7 is or may be subject to the tax imposed by this chapter,] *When an*  
 8 *appraisal of any part of an estate is requested by the department of*  
 9 *revenue, as provided in section 450.39, or is otherwise required by this*  
 10 *chapter,* the clerk shall issue a commission to the appraisers, who shall  
 11 fix a time and place for appraisement, except that if the only interest  
 12 that is subject to [such] tax is a remainder or deferred interest upon  
 13 which the tax is not payable until the determination of a prior estate  
 14 or interest for life or term of years, he shall not issue [such] *the*  
 15 *commission until the determination of [such] the prior estate, except*  
 16 *at the request of parties in interest who desire to remove [the lien*  
 17 *thereon] an inheritance tax lien.*

1 SEC. 5. Section four hundred fifty point thirty-one (450.31), Code  
 2 1971, is amended as follows:

3 **450.31 Objections.** The director of revenue or any person in-  
 4 terested in the estate or property appraised may, within [twenty]  
 5 *forty-five* days thereafter, file objections to said appraisement and  
 6 give notice thereof as in beginning civil actions, to the director of  
 7 revenue or the representative of the estate or trust, if any, otherwise  
 8 to the person interested as heir, legatee, or transferee, on the hearing  
 9 of which as an action in equity either party may produce evidence  
 10 competent or material to the matters therein involved.

1 SEC. 6. Section four hundred fifty point thirty-nine (450.39), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4 **450.39 Appraisal.**

5 1. An appraisal is not required for an item of property in an estate  
 6 if the item is listed on an inventory or report filed in the estate or an  
 7 amendment thereto, unless the department of revenue requests ap-

8 praisal by filing a written request with the clerk where the inventory  
9 or report is filed, within sixty days after the filing. When a request is  
10 filed, the clerk shall notify the personal representative and his attor-  
11 ney of the request. The department of revenue may waive an appraisal  
12 which has been previously requested.

13 2. If appraisal of an item of property is not required or is waived,  
14 the personal representative, trustee, or the persons entitled to or  
15 claiming the item of property shall be charged, for the purpose of  
16 computing the tax, with the full value of the item as reported in the  
17 inventory or report.

1 SEC. 7. Section four hundred fifty point forty-five (450.45), Code  
2 1971, is amended as follows:

3 **450.45 Life and term estates—appraisement.** [Whenever] *Sub-*  
4 *ject to the provisions of section 450.39, when an estate or interest for*  
5 *life or term of years in real property [shall be] is given to a party other*  
6 *than those especially exempt by this chapter, the clerk shall cause*  
7 *[such] the property to be appraised at the actual market value thereof,*  
8 *as is provided in ordinary cases, and the party entitled to [such] the*  
9 *estate or interest shall, within eighteen months from the death of dece-*  
10 *dent owner, pay [such] the tax, and in default thereof the court shall*  
11 *order [such] the estate or interest [in said estate], or so much thereof*  
12 *as [shall be] necessary to pay [such] the tax and interest, to be sold.*

1 SEC. 8. Section four hundred fifty point forty-seven (450.47),  
2 Code 1971, is amended as follows:

3 **450.47 Life and term estates in personal property.** [Whenever]  
4 *Subject to the provisions of section 450.39, when an estate or interest*  
5 *for life or term of years in personal property [shall be] is given to one*  
6 *or more persons other than those especially exempt by this chapter*  
7 *and the remainder or deferred estate to others, the clerk shall cause*  
8 *the property [so] devised or conveyed to be appraised as provided*  
9 *herein in ordinary estates and the value of the several estates or*  
10 *interests [so] devised or conveyed shall be determined as provided in*  
11 *section 450.51, and the tax upon such estates or interests as are liable*  
12 *for the tax imposed by this chapter shall be paid to the department of*  
13 *revenue from the property appraised or by the persons entitled to*  
14 *[such] the estate or interest within eighteen months from the death*  
15 *of the testator, grantor, or donor; provided, however, that payment*  
16 *of the tax upon any deferred estate or remainder interest may be*  
17 *deferred until the determination of the prior estate by the giving of*  
18 *a good and sufficient bond as provided in section 450.48.*

1 SEC. 9. Section four hundred fifty point fifty-nine (450.59), Code  
2 1971, is amended by striking unnumbered paragraph two.

1 SEC. 10. Section four hundred fifty point eighty-six (450.86),  
2 Code 1971, is amended as follows:

3 **450.86 Securities and assets held by bank, etc.** No safe deposit  
4 company, trust company, bank, or other institution, person or per-  
5 sons holding securities or assets, exclusive of life insurance policies  
6 payable to named beneficiaries, which securities or other assets are  
7 located in a safety deposit box or other [such] security enclosure of  
8 the decedent after receiving knowledge of the death shall deliver or  
9 transfer the same to the [executor, administrator, or legal representa-

10 tive or] transferee, joint owner, or beneficiary of [said] *the* decedent  
 11 unless the tax for which [such] *the* securities or assets are liable under  
 12 this chapter [shall be] *is* first paid, or the payment thereof is secured  
 13 by bond as herein provided. *However, all the contents shall be re-*  
 14 *ported in writing to the department of revenue, and thereafter may*  
 15 *be delivered to the executor, administrator, or legal representative. It*  
 16 [shall be] *is* lawful for and the duty of the director of revenue person-  
 17 ally, or by any person by him duly authorized, to examine [such] *the*  
 18 securities or assets at the time of any proposed delivery or transfer.  
 19 Failure to [serve ten days' notice of such proposed transfer upon the  
 20 director of revenue or to allow such examination on] *give written*  
 21 *notice of the contents of the safety deposit box or other security en-*  
 22 *closure to the department of revenue at the time of or prior to the*  
 23 delivery of [such] *the* securities or assets to [such] *the* executor, ad-  
 24 ministrator, or legal representative or transferee, joint owner, or  
 25 beneficiary shall render [such] *the* safe deposit company, trust com-  
 26 pany, bank, or other institution, person or persons liable for the pay-  
 27 ment of the tax upon [such] *the* securities or assets as provided in  
 28 this chapter.

1 SEC. 11. Section six hundred thirty-three point three hundred  
 2 sixty-one (633.361), unnumbered paragraph one (1), Code 1971, is  
 3 amended as follows:

4 Within sixty days after his qualification, unless a longer time shall  
 5 be granted by the court, the personal representative shall file with  
 6 the clerk, in duplicate, a verified, *or affirmed under penalty of perjury,*  
 7 full and detailed report and inventory of the property of the de-  
 8 ceased, so far as the same has come to his knowledge, as follows:

1 SEC. 12. Section six hundred thirty-three point four hundred  
 2 eighty-one (633.481), Code 1971, is amended as follows:

3 **633.481 Certificate to county auditor for tax purposes without ad-**  
 4 **ministration.** Whenever an [order is entered] *inventory or report is*  
 5 *filed* under the provisions of section [450.40] *450.22*, without admin-  
 6 istration of the estate of a decedent, the clerk shall issue and deliver  
 7 to the county auditor of the county in which [such] *the* real estate is  
 8 situated a like certificate pertaining to each parcel of real estate  
 9 described in the [application for such order] *inventory or report. Any*  
 10 *fees for certificates required by this section or section 633.480 shall*  
 11 *be assessed as costs of administration, but the certificates shall be*  
 12 *filed whether fees are paid or not.*

1 SEC. 13. Sections four hundred fifty point twenty-three (450.23),  
 2 four hundred fifty point twenty-five (450.25), four hundred fifty  
 3 point twenty-six (450.26), and four hundred fifty point forty (450.40),  
 4 through four hundred fifty point forty-three (450.43), inclusive, Code  
 5 1971, are repealed.

Approved June 10, 1971.



## CHAPTER 219†

## COUNTY TREASURERS' BIENNIAL SETTLEMENT

S. F. 63

AN ACT relating to the dates of settlement with county treasurers and boards of supervisors.

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

1 SECTION 1. Section four hundred fifty-two point six (452.6), Code  
2 1971, is amended as follows:  
3 452.6 **Settlement with treasurer.** At the meetings in January and  
4 July of each year, the board of supervisors shall make a full and com-  
5 plete settlement with the treasurer, and shall certify to the state  
6 comptroller all credits to him for double or erroneous assessments and  
7 unavailable taxes, and all dues for state revenue, interest, or delin-  
8 quent taxes, sales of land, peddlers' licenses, and other dues, the  
9 amounts collected therefor, and revenues still delinquent, each year  
10 to itself, which reports shall be forwarded by mail.

Approved February 5, 1971.

## CHAPTER 220†

## DEPOSITS OF PUBLIC FUNDS

H. F. 86

AN ACT relating to deposits of public funds.

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

1 SECTION 1. Section four hundred fifty-two point ten (452.10),  
2 Code 1971, is amended as follows:  
3 452.10 **Custody of public funds — investment or deposit.** The  
4 treasurer of state and the treasurer of each political subdivision shall  
5 at all times keep all funds coming into their possession as public  
6 money, in a vault or safe, to be provided for that purpose, or in some  
7 bank legally designated as a depository for such funds. However, the  
8 treasurer of state and the treasurer of each political subdivision shall  
9 invest, unless otherwise provided, any of the public funds not cur-  
10 rently needed for operating expenses in notes, certificates, bonds, or  
11 other evidences of indebtedness which are obligations of or guaranteed  
12 by the United States of America or any of its agencies; or make time  
13 deposits of such funds in banks as provided in chapter 453 and receive  
14 time certificates of deposit therefor.

1 SEC. 2. Section four hundred fifty-three point five (453.5), Code  
2 1971, is amended by adding the following new paragraph:

3 "Public funds which cannot be deposited for periods of at least  
4 ninety days may be invested in notes, certificates, bonds, or other  
5 obligations of the United States or any of its agencies, as provided in  
6 section four hundred fifty-two point ten (452.10) of the Code."

Approved February 5, 1971.

†See Editor's note, page iii.

## CHAPTER 221

## INVESTMENT OF PUBLIC FUNDS

## H. F. 334

AN ACT relating to deposit and investment of public funds.

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

1 SECTION 1. Section four hundred fifty-two point ten (452.10),  
2 Code 1971, as amended by section one (1) of House File eighty-six  
3 (86) of the Sixty-fourth General Assembly, First Session, is amended  
4 as follows:

5 **452.10 Custody of public funds—investment or deposit.** The  
6 treasurer of state and the treasurer of each political subdivision shall  
7 at all times keep all funds coming into their possession as public  
8 money, in a vault or safe, to be provided for that purpose, or in some  
9 bank legally designated as a depository for such funds. However, the  
10 treasurer of state and the treasurer of each political subdivision shall  
11 invest, unless otherwise provided, any of the public funds not cur-  
12 rently needed for operating expenses in notes, certificates, bonds, or  
13 other evidences of indebtedness which are obligations of or guaran-  
14 teed by the United States of America or any of its agencies; or make  
15 time deposits of such funds in banks as provided in chapter 453 and  
16 receive time certificates of deposit therefor; *or in savings accounts in*  
17 *banks. The treasurer of state may invest any of the funds in his cus-*  
18 *tody in any of the investments authorized for the Iowa public em-*  
19 *ployees' retirement system in section 97B.7, subsection 2, paragraph*  
20 *b except that investment in common stocks shall not be permitted.*

1 SEC. 2. Section four hundred fifty-three point five (453.5), Code  
2 1971, as amended by section two (2) of House File eighty-six (86)  
3 of the Sixty-fourth General Assembly, First Session, is amended as  
4 follows:

5 **453.5 Refusal of deposits—procedure.** If none of the duly ap-  
6 proved banks will accept said deposits under the conditions herein  
7 prescribed or authorized, said funds may be deposited in any approved  
8 bank or banks conveniently located within the state.

9 If a governmental unit makes in writing to all qualified, approved  
10 depositories a bona fide proffer to deposit public funds either in a  
11 savings account, or in a time certificate of deposit, [for some period  
12 extending from ninety days to one year with the privilege of renewal  
13 if mutually desired,] and such proffer is not then accepted, then and  
14 only then may such governmental unit invest such funds so declined  
15 in [interest bearing notes, certificates or bonds of the United States,]  
16 *bonds or other evidences of indebtedness issued, assumed, or guaran-*  
17 *teed by the United States of America or by any agency or instrumen-*  
18 *tality thereof, but these provisions shall not affect the investment of*  
19 *funds as provided in sections 453.9 and 453.10.*

20 Public funds which cannot be deposited for periods of at least  
21 ninety days may be invested in notes, certificates, bonds, or other  
22 obligations of the United States or any of its agencies, as provided in  
23 section four hundred fifty-two point ten (452.10) of the Code.

24 *In addition to the investments herein authorized, the treasurer of*  
25 *state may invest in any of the investments authorized for the Iowa*

26 *public employees' retirement system in section 97B.7, subsection 2,*  
27 *paragraph b except that investment in common stocks shall not be*  
28 *permitted.*

1 SEC. 3. Section four hundred fifty-three point nine (453.9), Code  
2 1971, is amended as follows:

3 **453.9 Investment of sinking funds.** The governing council or  
4 board who by law are authorized to direct the depositing of funds  
5 shall be authorized to direct the treasurer to invest any fund not an  
6 active fund needed for current use and which is being accumu-  
7 lated as a sinking fund for a definite purpose, the interest [of] on  
8 which is used for the same purpose, *in savings accounts in banks, in*  
9 *the certificates or warrants provided by section 454.19, or make time*  
10 *deposits of such funds as provided in this chapter and receive time*  
11 *certificates of deposit therefor, [or in United States government*  
12 *bonds,] or in bonds or other evidences of indebtedness issued, as-*  
13 *sumed, or guaranteed by the United States of America, or by any*  
14 *agency or instrumentality thereof, or in local certificates or warrants*  
15 *issued by any municipality or school district within the county, or in*  
16 *municipal or school district bonds which constitute a general liability,*  
17 *and the treasurer when so directed shall so invest such fund.*

18 *The treasurer of state may invest in any of the investments author-*  
19 *ized for the Iowa public employees' retirement system in section 97B.7,*  
20 *subsection 2, paragraph b except that investment in common stocks*  
21 *shall not be permitted.*

1 SEC. 4. Section four hundred fifty-three point ten (453.10), Code  
2 1971, is amended as follows:

3 **453.10 Investment of funds created by election.** The governing  
4 council or board, who by [the] law have control of any fund created  
5 by direct vote of the people, may invest any portion thereof not cur-  
6 rently needed, in [United States government] bonds *or other evi-*  
7 *dences of indebtedness issued, assumed, or guaranteed by the United*  
8 *States of America, or by any agency or instrumentality thereof, or*  
9 *make time deposits of such funds [as provided in this chapter] and*  
10 *receive time certificates of deposit therefor, or in savings accounts.*  
11 *The treasurer of state may invest in any of the investments author-*  
12 *ized for the Iowa public employees' retirement system in section 97B.7,*  
13 *subsection 2, paragraph b except that investment in common stocks*  
14 *shall not be permitted.* Interest or earnings on such funds shall be  
15 credited as provided in subsection 2 of section 453.7.

1 SEC. 5. Section four hundred fifty-four point five (454.5), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **454.5 Investment of funds.** All above a necessary working balance  
5 shall be invested by the treasurer of state in bonds or other evidences  
6 of indebtedness issued, assumed, or guaranteed by the United States  
7 of America or by any agency or instrumentality thereof, or in any of  
8 the investments authorized for the Iowa public employees' retirement  
9 system in section ninety-seven B point seven (97B.7), subsection two  
10 (2), paragraph b except that investment in common stocks shall not  
11 be permitted.

1 SEC. 6. Section three hundred two point twenty (302.20), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4     **302.20 Investment.** The permanent school fund which is, at any  
5 time, in the custody of the treasurer of state, shall be invested as  
6 follows:

7     1. In bonds or other evidences of indebtedness issued, assumed, or  
8 guaranteed by the United States of America, or by any agency or  
9 instrumentality thereof.

10    2. In bonds, or other evidences of indebtedness of the state of Iowa,  
11 or of any school district, county, township, city, town or other political  
12 subdivision of the state of Iowa which are issued pursuant to law.

13    3. In savings accounts or in time deposits in Iowa banks approved  
14 as depositories by the executive council.

15    4. In any investments authorized for the Iowa public employees'  
16 retirement system in section ninety-seven B point seven (97B.7), sub-  
17 section two (2), paragraph b of the Code except that investment in  
18 common stocks shall not be permitted.

1     SEC. 7. Section thirty-five point two (35.2), Code 1971, is amended  
2 by striking the section and inserting in lieu thereof the following:

3     **35.2 Investment of bonus and disability fund.** The treasurer of  
4 state shall invest such portions of the additional bonus and dis-  
5 ability fund created by section eight (8), chapter three hundred  
6 thirty-two (332), Acts of the Thirty-ninth General Assembly, not  
7 needed for current payments awarded by the bonus board.

1     SEC. 8. Section thirty-five point three (35.3), Code 1971, is  
2 amended by striking the section and inserting in lieu thereof the  
3 following:

4     **35.3 Choice of investments.** The treasurer of state shall invest  
5 in bonds or other evidences of indebtedness issued, assumed, or guar-  
6 anteed by the United States of America, by any agency or instrumen-  
7 tality thereof, or by the state of Iowa, or any investment authorized  
8 for the Iowa public employees' retirement system in section ninety-  
9 seven B point seven (97B.7), subsection two (2), paragraph b of the  
10 Code except that investment in common stocks shall not be permitted.

1     SEC. 9. Section ninety-seven A point seven (97A.7), subsection  
2 two (2), Code 1971, is amended by striking the subsection and insert-  
3 ing in lieu thereof the following:

4     2. The several funds created by this chapter may be invested in:  
5     a. Bonds or other evidences of indebtedness issued, assumed, or  
6 guaranteed by the United States of America, or by any agency or in-  
7 strumentality thereof.

8     b. In savings accounts or time deposits in Iowa banks approved as  
9 depositories by the executive council.

10    c. In any investments authorized for the Iowa public employees'  
11 retirement system in section ninety-seven B point seven (97B.7), sub-  
12 section two (2), paragraph b of the Code.

1     SEC. 10. Section ninety-seven A point seven (97A.7), subsection  
2 one (1), Code 1971, is amended by adding the following new para-  
3 graph:

4     "The board of trustees may authorize the treasurer of state to exer-  
5 cise any of the duties of this section. When so authorized the treasurer

6 of state shall report any transactions to the board of trustees at its  
7 next monthly meeting."

1 SEC. 11. Section six hundred five A point eleven (605A.11), Code  
2 1971, is amended as follows:

3 **605A.11 Investment of fund.** So much of the judicial retirement  
4 fund as may not be necessary to be kept on hand for the making of  
5 disbursements under this chapter shall be invested by the [state]  
6 treasurer of state in [securities of the United States government]  
7 *bonds or other evidences of indebtedness issued, assumed, or guaran-*  
8 *teed by the United States of America, or by any agency or instrumen-*  
9 *tality thereof or in any investments authorized for the Iowa public*  
10 *employees' retirement system in section 97B.7, subsection 2, para-*  
11 *graph b*, and the earnings therefrom shall be credited to said fund.

Approved April 15, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 222

### FUNDS FROM SCHOOL BONDS

S. F. 442

AN ACT relating to the investment of public funds from the sale of school bonds.

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

1 SECTION 1. Chapter four hundred fifty-three (453), Code 1971, is  
2 amended by adding the following new section:

3 **"Investment of funds by school corporations.**

4 The board of directors of a school corporation may invest any por-  
5 tion of the proceeds of bonds issued and not currently needed in United  
6 States government bonds or make time deposits as provided in this  
7 chapter.

8 Earnings and interest from investments authorized by this section  
9 shall be used either to retire the bonded indebtedness or to be credited  
10 to the schoolhouse fund for the purpose of financing the construction  
11 or equipping of the school building for which the bonds were sold."

1 SEC. 2. This Act shall apply to the use and crediting of earnings  
2 and investments of the proceeds from bonds issued prior to the effec-  
3 tive date of this Act.

Approved May 27, 1971.

## CHAPTER 223

### DRAINAGE AND LEVY DISTRICTS

S. F. 205

AN ACT relating to assessments levied by drainage and levee districts and to interest rates.

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

1 SECTION 1. Section four hundred fifty-five point fifty-seven  
2 (455.57), Code 1971, is amended as follows:

3     **455.57 Levy—interest.** When the board has finally determined  
4 the matter of assessments of benefits and apportionment, it shall levy  
5 such assessments as fixed by it upon the lands within such districts,  
6 [and all] *but any assessment on any tract, parcel or lot within the*  
7 *district which is computed at less than two dollars shall be fixed at*  
8 *the sum of two dollars. All assessments shall be levied at that time*  
9 *as a tax and shall bear interest at not to exceed seven percent per*  
10 *annum from that date, payable annually, except as hereinafter pro-*  
11 *vided as to cash payments thereof within a specified time.*

1     SEC. 2. Section four hundred fifty-five point fifty-nine (455.59),  
2 Code 1971, is amended as follows:

3     **455.59 Levy for deficiency.** If the first assessment made by the  
4 board for the original cost or for repairs of any improvement is in-  
5 sufficient, the board shall make an additional assessment and levy in  
6 the same ratio as the first for either purpose, payable at the next tax-  
7 paying period after such indebtedness is incurred subject, however,  
8 to the provisions of section 455.64. *Any assessment made under this*  
9 *section on any tract, parcel or lot within the district which is com-*  
10 *puted at less than two dollars shall be fixed at the sum of two dollars.*

1     SEC. 3. Section four hundred fifty-five point one hundred thirty-  
2 six (455.136), unnumbered paragraph one, Code 1971, is amended as  
3 follows:

4     **455.136 Payment.** The costs of the repair or improvements pro-  
5 vided for in section 455.135 shall be paid for out of the funds of the  
6 levee or drainage district. If the funds on hand are not sufficient to  
7 pay such expenses, the board within two years shall levy an assess-  
8 ment sufficient to pay the outstanding indebtedness and leave the  
9 balance which the board determines is desirable as a sinking fund to  
10 pay maintenance and repair expenses. *Any assessment made under*  
11 *this section on any tract, parcel or lot within the district which is*  
12 *computed at less than two dollars shall be fixed at the sum of two*  
13 *dollars.*

1     SEC. 4. Section four hundred fifty-five point one hundred forty-six  
2 (455.146), Code 1971, is amended as follows:

3     **455.146 Levy under original classification.** If the amount finally  
4 charged against a district does not exceed twenty-five percent of the  
5 original cost of the improvement in said district, the board shall pro-  
6 ceed to levy said amount against all lands, highways, and railway  
7 rights of way and property within the district, in accordance with the  
8 original classification and apportionment. *Any assessment made under*  
9 *this section on any tract, parcel or lot within the district which is*  
10 *computed at less than two dollars shall be fixed at the sum of two*  
11 *dollars.*

1     SEC. 5. Section four hundred fifty-five point one hundred forty-  
2 seven (455.147), Code 1971, is amended as follows:

3     **455.147 Levy under reclassification.** If the amount finally charged  
4 against a district exceeds twenty-five percent of the original cost of  
5 the improvement, the board shall order a reclassification as provided  
6 for the original classification of a district and upon the final adoption  
7 of the new classification and apportionment shall proceed to levy said  
8 amount upon all lands, highways, and railway rights of way and prop-

erty within the district, in accordance with said new classification and apportionment. *Any assessment made under this section on any tract, parcel or lot within the district which is computed at less than two dollars shall be fixed at the sum of two dollars.*

SEC. 6. Section four hundred fifty-five point seventy-nine (455.79), Code 1971, is amended as follows:

455.79 **Interest—place of payment.** Such certificates shall bear interest not to exceed [five] *seven* percent per annum, payable annually, and shall be paid by the taxpayer to the county treasurer, who shall receipt for the same and cause the amount to be credited on the certificate issued therefor.

SEC. 7. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Hardin County Index, a newspaper published in Eldora, Iowa, and in The Daily Freeman-Journal, a newspaper published in Webster City, Iowa.

Approved May 27, 1971.

I hereby certify that the foregoing Act, Senate File 205, was published in the Hardin County Index, Eldora, Iowa, June 4, 1971, and in The Daily Freeman-Journal, Webster City, Iowa, June 3, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 224

### LEVEE AND DRAINAGE DISTRICTS

#### H. F. 503

AN ACT relating to levee and drainage districts.

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

SECTION 1. Section four hundred fifty-five point one hundred twenty-eight (455.128), Code 1971, is amended as follows:

455.128 **Annexation of additional lands.** After the establishment of a levee or drainage district, if the board becomes convinced that additional lands *contiguous to the district, and without regard to county boundaries*, are benefited by the improvement or that the same are then receiving benefit or will be benefited by a repair or improvement to said district as contemplated in section 455.135, it may adopt, with or without a petition from owners of the proposed annexed lands, a resolution of necessity for the annexation of such additional land and appoint an engineer with the qualifications provided in this chapter to examine such additional lands, to make a survey and plat thereof showing their relation, elevation, and condition of drainage with reference to such established district, and to make and file with the auditor a report as in this chapter provided for the original establishment of such district, said report to specify the character of the benefits received.

*In the event the additional lands are a part of an existing drainage district, as an alternative procedure to that established by the forego-*

20 *ing provisions of this section, the lands may be annexed in either of*  
 21 *the following methods:*

22 1. *A petition, proposing that the lands be included in a contiguous*  
 23 *drainage district and signed by at least twenty percent of the land-*  
 24 *owners of those lands to be annexed, shall be filed with the governing*  
 25 *board of each affected district.*

26 *The board of the district in which the lands are presently included*  
 27 *may, at its next regular meeting or at a special meeting called for that*  
 28 *purpose, adopt a resolution approving and consenting to the annexa-*  
 29 *tion; or*

30 2. *Whenever the owners of all of the land proposed to be annexed*  
 31 *file a petition with the governing boards of the affected districts, the*  
 32 *consent of the board in which the lands are then located shall not be*  
 33 *required to consent to the annexation, and the board of the annexing*  
 34 *district may proceed as provided in this section.*

35 3. *If either method of annexation provided for in subsections one*  
 36 *(1) and two (2) of this section is completed, the board of the district*  
 37 *to which the lands are to be annexed may adopt a resolution of neces-*  
 38 *sity for the annexation of the additional lands, as provided in this*  
 39 *section.*

1 SEC. 2. Section four hundred fifty-five point one hundred twenty-  
 2 nine (455.129), Code 1971, is amended as follows:

3 **455.129 Proceedings on report.** If such report recommends the an-  
 4 nexation of such lands or any portion thereof, the board shall con-  
 5 sider such report, plats, and profiles and if satisfied that any of such  
 6 lands are materially benefited by the district and that such annexation  
 7 is feasible, expedient, and for the public good, it shall proceed in all  
 8 respects as to notice, hearing, appointment of appraisers to fix dam-  
 9 ages and as to hearing thereon; and (if such annexation is finally  
 10 made), as to classification and assessment of benefits *to the annexed*  
 11 *lands only*, to the same extent and in the same manner as provided in  
 12 the establishment of an original district. [All parties] *Those parties*  
 13 *having an interest in the lands proposed to be annexed* shall have the  
 14 right to receive notice, to make objections, to file claims for damages,  
 15 to have hearing, to take appeals and to do all other things to the same  
 16 extent and in the same manner as provided in the establishment of an  
 17 original district.

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 225

### REGULATED USE OF GROUND WATER

#### H. F. 605

AN ACT relating to the regulated use of ground water.

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

1 SECTION 1. Section four hundred fifty-five A point one (455A.1),  
 2 unnumbered paragraph eleven (11), Code 1971, is amended as follows:  
 3 "Nonregulated use" means the use of water for ordinary household



4 purposes, use of water for poultry, livestock and domestic animals,  
 5 any beneficial use of surface flow from rivers bordering the state  
 6 of Iowa, [or use of ground water on islands or former islands situ-  
 7 ated in such rivers,] existing beneficial uses of water within the ter-  
 8 ritorial boundaries of municipal corporations on May 16, 1957, except  
 9 that industrial users of water, having their own water supply, within  
 10 the territorial boundaries of municipal corporations, shall be regu-  
 11 lated when such water use exceeds three percent more than the high-  
 12 est per day beneficial use prior to May 16, 1957, and any other bene-  
 13 ficial use of water by any person of less than five thousand gallons  
 14 per day;

Approved May 24, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 226

### WATER EFFLUENT STANDARDS

S. F. 502

AN ACT relating to the establishment of water effluent standards.

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

1 SECTION 1. Section four hundred fifty-five B point nine (455B.9),  
 2 subsection four (4), Code 1971, is amended as follows:

3 4. To adopt, modify, or repeal such reasonable quality standards  
 4 *and effluent standards* for any waters of the state in relation to the  
 5 public use to which they are or may be put as it shall deem necessary  
 6 for the purposes of this chapter. *The effluent standards may provide*  
 7 *for maintaining the existing quality of the waters of the state where*  
 8 *the quality thereof exceeds the requirements of the water quality*  
 9 *standards.*

10 Provided that where the quality of water is inter-related to the  
 11 quantity of water the concurrence of the Iowa natural resources  
 12 council shall be secured for the adoption, modification or repeal of  
 13 such standards, prior to the effective date thereof.

1 SEC. 2. Section four hundred fifty-five B point thirteen (455B.13),  
 2 Code 1971, is amended as follows:

3 455B.13 **Quality standards.** In adopting, modifying, or repealing  
 4 quality standards for any waters of the state, *or in adopting, modify-*  
 5 *ing, or repealing effluent standards for disposal systems,* the commis-  
 6 sion shall give consideration to:

7 1. The protection of public health;  
 8 2. The size, depth, surface area covered, volume, direction and rate  
 9 of flow, stream gradient and temperature of the [water] *affected*  
 10 *waters of the state;*

11 3. The character and uses of the land area bordering [said waters]  
 12 *the affected waters of the state;*

13 4. The uses which have been made, are being made, or may be made  
 14 of [said]\* *the affected waters of the state* for public, private or domes-  
 15 tic water supplies, irrigation[;], livestock watering[;], propagation

\*According to enrolled Act.

16 of wildlife, fish, and other aquatic life[;], bathing, swimming, boat-  
 17 ing, or other recreational activity[;], transportation[;], and disposal  
 18 of sewage and wastes;

19 5. The extent of contamination resulting from natural causes in-  
 20 cluding the mineral and chemical characteristics;

21 6. The extent to which floatable or settleable solids may be per-  
 22 mitted;

23 7. The extent to which suspended solids, colloids, or a combination  
 24 of solids with other suspended substances may be permitted;

25 8. The extent to which bacteria and other biological organisms may  
 26 be permitted;

27 9. The amount of dissolved oxygen that is to be present and the  
 28 extent of the oxygen demanding substances which may be permitted;

29 10. The extent to which toxic substances, chemicals or deleterious  
 30 conditions may be permitted;\*

31 [11. The need for standards for effluents from disposal systems.]

1 SEC. 3. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The New  
 3 Hampton Tribune, a newspaper published in New Hampton, Iowa,  
 4 and in The Times-Plain Dealer, a newspaper published in Cresco,  
 5 Iowa.

Approved May 20, 1971.

I hereby certify that the foregoing Act, Senate File 502, was published in The New  
 Hampton Tribune, New Hampton, Iowa, May 27, 1971, and in The Times-Plain Dealer,  
 Cresco, Iowa, May 26, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

\*According to enrolled Act.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 227

### CONSERVANCY DISTRICTS

H. F. 73

AN ACT relating to conservation of soil and water resources of the state, and to control of water pollution.

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

1 SECTION 1. It is hereby declared to be the policy of the state of  
 2 Iowa and the objectives of this Act to preserve and protect the pub-  
 3 lic interest in the soil and water resources of this state for future  
 4 generations, and for this purpose to encourage, promote, facilitate,  
 5 and where such public interest requires, to mandate the conservation  
 6 and proper control and use of the soil and water resources of this  
 7 state, by measures including but not limited to the control of floods,  
 8 the control of erosion by water or by wind, the preservation of the  
 9 quantity and quality of water for its optimum use for agricultural,  
 10 irrigation, recreational, industrial, and domestic purposes, all of  
 11 which shall be presumed conducive to the public health, convenience  
 12 and welfare, both present and prospective.

1 SEC. 2. As used in this Act, unless the context otherwise re-  
2 quires:

3 1. The terms "district" or "conservancy district" mean one of the  
4 six conservancy districts established by section three (3) of this Act.

5 2. "Board" means the body designated by section four (4) of this  
6 Act to administer each of the districts.

7 3. "Council" means the Iowa natural resources council.

8 4. "Internal improvement" includes, but it is not limited to, dams  
9 or other water impoundment structures, levees, ditches, or other  
10 artificial watercourses, tile lines, or any other physical structure  
11 constructed or improved by a conservancy district in furtherance  
12 of the objectives of this Act.

1 SEC. 3. In furtherance of the policy set forth in section one (1)  
2 of this Act, the entire area of the state of Iowa shall be divided into  
3 six conservancy districts, and the same are hereby established as  
4 political subdivisions of the state of Iowa, as follows:

5 1. The northeast Iowa conservancy district shall include all of  
6 Allamakee, Winneshiek, Howard, Fayette, Clayton, Delaware, Du-  
7 buque, Jackson, and Clinton counties, and the designated portions  
8 of each of the following counties:

9 a. In Mitchell county:

10	Twp. N.	Range West	Sections
11	100	15	7 to 18 inclusive, 20 to 29 inclusive, 32 to 36 inclusive.
12		16	12.
13		16	12.
14	99	15	1 to 4 inclusive, 9 to 15 inclusive, 22 to 26 inclusive, 35, 36.
15		15	1, 2, 11 to 14 inclusive, 23 to 26 inclu- sive, 36.
16	98	15	1, 2, 11 to 14 inclusive, 23 to 26 inclu- sive, 36.
17		15	1, 12, 13.
18	97	15	1, 12, 13.

19 b. In Floyd county:

20	Twp. N.	Range West	Sections
21	97	15	24, 25, 36.

22 c. In Chickasaw county:

23	Twp. N.	Range West	Sections
24	97	11, 12, 13, 14	All.
25	96	11, 12, 13	All.
26		14	1 to 6 inclusive, 8 to 17 inclusive, 21 to 28 inclusive, 34, 35, 36.
27		14	1 to 6 inclusive, 8 to 17 inclusive, 21 to 28 inclusive, 34, 35, 36.
28	95	11, 12, 13	All.
29		14	1, 2, 3, 11 to 14 inclusive, 23, 24.
30	94	11, 12	All.
31		13	1 to 5 inclusive, 8 to 16 inclusive, 21 to 28 inclusive, 33 to 36 inclusive.
32		13	1 to 5 inclusive, 8 to 16 inclusive, 21 to 28 inclusive, 33 to 36 inclusive.

33 d. In Bremer county:

34	Twp. N.	Range West	Sections
35	93	11, 12	All.
36		13	1 to 4 inclusive, 9 to 16 inclusive, 21 to 27 inclusive, 34 to 36 inclusive.
37		13	1 to 4 inclusive, 9 to 16 inclusive, 21 to 27 inclusive, 34 to 36 inclusive.
38	92	11, 12	All.
39		13	1, 2, 11 to 13 inclusive.
40	91	11	All.

41		12	1 to 5 inclusive, 8 to 17 inclusive, 20 to 29 inclusive, 31 to 36 inclusive.
42			
43	e. In Black Hawk county:		
44	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
45	90	11	1 to 30 inclusive, 32 to 36 inclusive.
46		12	1 to 5 inclusive, 8 to 17 inclusive, 20, 21, 23, 24, 25.
47			
48	89	11	1 to 4 inclusive, 11 to 15 inclusive, 22, 23, 27.
49			
50	f. In Buchanan county:		
51	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
52	90	7, 8, 9, 10	All.
53	89	7, 8, 9	All.
54		10	1 to 18 inclusive, 20 to 28 inclusive.
55	88	7, 8	All.
56		9	1 to 5 inclusive, 8 to 15 inclusive, 23, 24, 25.
57			
58	87	7	All.
59		8	1 to 30 inclusive, 34 to 36 inclusive.
60		9	12, 13, 24, 25.
61	All territory within the corporate limits of the town of Rowley, as such		
62	limits existed on January 1, 1969, shall be within the northeast Iowa		
63	conservancy district, including the portion of such town not within		
64	any of the sections of land previously listed in this paragraph.		
65	g. In Linn county:		
66	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
67	86	5, 6	All.
68		7	1 to 17 inclusive, 22 to 26 inclusive, 36.
69		8	1, 12.
70	85	5	1 to 30 inclusive, 32 to 36 inclusive.
71		6	1 to 4 inclusive, 8 to 16 inclusive, 23, 24.
72			
73		7	1.
74	84	5	1 to 4 inclusive, 10 to 14 inclusive, 24.
75	h. In Jones county:		
76	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
77	86	1, 2, 3, 4	All.
78	85	1, 2, 3, 4	All.
79	84	1, 2, 3	All.
80		4	1 to 30 inclusive, 32 to 36 inclusive.
81	83	1, 2, 3	All.
82		4	1 to 5 inclusive, 7 to 30 inclusive, 32 to 36 inclusive.
83			
84	i. In Cedar county:		
85	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
86	82	1	All.
87		2	1 to 17 inclusive, 20 to 29 inclusive, 35, 36.
88			
89		3	1 to 11 inclusive, 17, 18.
90		4	1, 2, 3, 10 to 13 inclusive.
91	81	1	1 to 30 inclusive, 32 to 36 inclusive.
92		2	1, 2, 11 to 14 inclusive, 23, 24, 25.

93	80	1	1, 2, 3, 11, 12, 13, 24 to 27 inclusive,
94			34, 35, 36.
95	79	1	1, 12, 13.
96	All territory within the corporate limits of the town of Mechanics-		
97	ville, as such limits existed on January 1, 1969, shall be within the		
98	northeast Iowa conservancy district, including the portion of such		
99	town not within any of the sections of land previously listed in this		
100	paragraph.		

101 j. In Scott county:

102	Twp. N.	Range East	Sections
103	80	1, 2, 3, 4, 5	All.
104	79	1	1 to 18 inclusive, 23, 24.
105		2	1 to 30 inclusive, 33 to 36 inclusive.
106		3, 4, 5	All.
107	78	2	1, 2, 10 to 17 inclusive, 20 to 36 in-
108			clusive.
109		3, 4, 5	All.
110	77	2, 3	All.

111 k. In Muscatine county:

112	Twp. N.	Range East	Sections
113	78	1	19, 28 to 36 inclusive.
114	77	1	All.
115	Twp. N.	Range West	Sections
116	78	1	13, 22 to 27 inclusive, 34, 35, 36.
117	77	1	All.
118		2	1, 12 to 15 inclusive, 21 to 29 inclu-
119			sive, 31 to 36 inclusive.
120		3	36.
121	76	2	All.
122		3	1, 11 to 15 inclusive, 22 to 27 inclu-
123			sive, 34, 35, 36.

124 l. In Louisa county:

125	Twp. N.	Range West	Sections
126	75	2	All.
127		3	1, 2, 3, 10 to 15 inclusive, 23 to 26
128			inclusive, 35, 36.
129	74	2	5 to 9 inclusive, 16, 17, 20, 21, 22,
130			26, 27, 28, 33, 34, 35.
131		3	1.
132	73	2	2, 3.

133 2. The Iowa-Cedar river conservancy district shall include all of  
 134 Worth, Cerro Gordo, Butler, Franklin, Grundy, Benton, Tama, John-  
 135 son, and Iowa counties, those portions of Mitchell, Floyd, Chickasaw,  
 136 Bremer, Black Hawk, Buchanan, Linn, Cedar, Scott, and Muscatine  
 137 counties not included in the northeast Iowa conservancy district, that  
 138 portion of Jones county not so included in the northeast Iowa conserv-  
 139 ancy district and also all territory within the corporate limits of the  
 140 town of Martelle in Jones county, as such limits existed on January 1,  
 141 1969, including that portion of such town within any of the sections  
 142 of land listed in paragraph h of subsection one (1) of this section,  
 143 and the designated portions of each of the following counties:

144	a. In Winnebago county:		
145	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
146	100	23	All.
147		24	11 to 16 inclusive, 20 to 29 inclusive, 33 to 36 inclusive.
148			
149	99	23	All.
150		24	1 to 5 inclusive, 7 to 36 inclusive.
151		25	12, 13, 23 to 26 inclusive, 34, 35, 36.
152	98	23, 24	All.
153		25	1, 2, 3, 11 to 14 inclusive, 24, 25, 26, 34, 35, 36.
154			
155	b. In Hancock county:		
156	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
157	97	23, 24	All.
158		25	1, 2, 3, 9 to 16 inclusive, 19 to 36 inclusive.
159			24, 25, 36.
160		26	All.
161	96	23, 24	1 to 18 inclusive, 20 to 28 inclusive, 34, 35, 36.
162		25	1, 12.
163			
164		26	All.
165	95	23, 24	1, 2, 3, 11 to 14 inclusive, 24, 25, 36.
166		25	All.
167	94	23	1 to 30 inclusive, 32 to 36 inclusive.
168		24	1.
169		25	
170	c. In Wright county:		
171	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
172	93	23	All.
173		24	1 to 5 inclusive, 9 to 16 inclusive, 21 to 27 inclusive, 33 to 36 inclusive.
174			
175	92	23	All.
176		24	1 to 4 inclusive, 10 to 15 inclusive, 21 to 28 inclusive, 34, 35, 36.
177			
178	91	23	All.
179		24	1, 2, 11 to 15 inclusive, 22 to 26 in- clusive, 36.
180			
181	90	23	All.
182		24	1, 12, 13, 23 to 26 inclusive, 35, 36.
183	d. In Hamilton county:		
184	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
185	89	23	1 to 18 inclusive, 22 to 27 inclusive, 34, 35, 36.
186			
187		24	1, 2, 11 to 14 inclusive, 23 to 26 in- clusive.
188			
189	88	23	1 to 5 inclusive, 8 to 17 inclusive, 20 to 29 inclusive, 32 to 36 inclusive.
190			
191	87	23	1 to 4 inclusive, 10 to 14 inclusive, 23 to 26 inclusive.
192			
193	e. In Hardin county:		
194	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
195	89	19, 20, 21, 22	All.

196	88	19, 20, 21, 22	All.
197	87	19, 20, 21, 22	All.
198	86	19, 20, 21	All.
199		22	1 to 16 inclusive, 22 to 27 inclusive,
200			34, 35, 36.
201	f. In Story county:		
202	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
203	85	21	1 to 30 inclusive, 33 to 36 inclusive.
204		22	1, 2, 3, 10 to 15 inclusive, 24, 25.
205	84	21	1 to 4 inclusive, 9 to 14 inclusive, 23
206			to 26 inclusive, 35, 36.
207	83	21	1, 2, 11.
208	All territory within the corporate limits of the town of McCalls-		
209	burg, as such limits existed on January 1, 1969, shall be within the		
210	Iowa-Cedar river conservancy district, including the portion of such		
211	town not within any of the sections of land listed in this paragraph.		
212	g. In Marshall county:		
213	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
214	85	17, 18, 19, 20	All.
215	84	17, 18, 19, 20	All.
216	83	17, 18	All.
217		19	1 to 30 inclusive, 33 to 36 inclusive.
218		20	1 to 6 inclusive, 9 to 16 inclusive, 23, 24.
219	82	17	All.
220		18	1 to 18 inclusive, 20 to 27 inclusive.
221		19	1, 2, 3, 12.
222	h. In Jasper county:		
223	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
224	81	17	1, 2, 3, 10 to 14 inclusive, 24.
225	i. In Poweshiek county:		
226	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
227	81	13, 14, 15	All.
228		16	1 to 30 inclusive, 33 to 36 inclusive.
229	80	13, 14, 15	All.
230		16	1, 2, 3, 10 to 15 inclusive, 21 to 28
231			inclusive, 33 to 36 inclusive.
232	79	13, 14	All.
233		15	1 to 17 inclusive, 22 to 27 inclusive.
234		16	1, 2, 3, 12.
235	78	13	All.
236		14	1 to 17 inclusive, 20 to 29 inclusive,
237			33 to 36 inclusive.
238	j. In Mahaska county:		
239	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
240	77	14	1, 2.
241	k. In Keokuk county:		
242	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
243	77	10	1 to 30 inclusive, 36.
244		11	1 to 25 inclusive, 30.
245		12	1 to 25 inclusive.
246		13	1 to 6 inclusive, 8 to 15 inclusive.
247	All territory within the corporate limits of the town of Keswick,		

248 as such limits existed on January 1, 1969, shall be within the Iowa-  
 249 Cedar river conservancy district, including the portion of such town  
 250 not within any of the sections of land listed in this paragraph.

251 l. In Washington county:

252	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
253	77	6, 7, 8, 9	All.
254	76	6, 7	All.
255		8	1 to 5 inclusive, 11 to 14 inclusive, 22 to 26 inclusive.
256			
257	75	6	All.
258		7	1 to 6 inclusive, 8 to 16 inclusive, 21 to 27 inclusive, 36.
259			1 to 5 inclusive, 11, 12, 13.
260	74	6	

261 m. In Louisa county:

262	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
263	76	5	All.
264	75	3	4 to 9 inclusive, 16 to 22 inclusive, 27 to 34 inclusive.
265			
266		4, 5	All.
267	74	1	All.
268		2	18, 19, 29 to 32 inclusive, 36.
269		3	2 to 36 inclusive.
270		4	1 to 30 inclusive, 32 to 36 inclusive.
271		5	1 to 29 inclusive, 34.
272	73	1	All.
273		2	1, 4 to 36 inclusive.
274		3	All.
275		4	1 to 5 inclusive, 9 to 16 inclusive, 23 to 26 inclusive, 35, 36.
276			

277 All territory within the corporate limits of the town of Grandview,  
 278 as such limits existed on January 1, 1969, shall be within the Iowa-  
 279 Cedar river conservancy district, including the portion of the town  
 280 not within any of the sections of land listed in this paragraph.

281 n. In Des Moines county:

282	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
283	72	1, 2, 3	All.
284		4	1, 2, 11 to 15 inclusive, 22 to 27 in- clusive, 33 to 36 inclusive.
285			
286	71	1, 2, 3	All.
287		4	1 to 5 inclusive, 7 to 30 inclusive, 32 to 36 inclusive.
288			
289	70	1, 2	All.
290		3	1 to 30 inclusive, 33 to 36 inclusive.
291		4	1 to 4 inclusive, 10 to 14 inclusive, 23, 24, 25.
292			
293	69	2	All.
294		3	1 to 4 inclusive, 9 to 15 inclusive, 23, 24, 25.
295			
296	68	2	5, 6, 8.

297 All territory within the corporate limits of the town of Middletown,  
 298 as such limits existed on January 1, 1969, shall be within the Iowa-  
 299 Cedar river conservancy district, including the portion of the town  
 300 not within any of the sections of land listed in this paragraph.



301 o. In Henry county:

302	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
303	71	5	12, 13, 23, 24, 25.

304 3. The Skunk river conservancy district shall include those por-  
 305 tions of Hardin and Marshall counties not included in the Iowa-  
 306 Cedar river conservancy district by subsection two (2) of this sec-  
 307 tion, that portion of Louisa county not included in the northeast  
 308 Iowa conservancy district by subsection one (1) of this section nor  
 309 in the Iowa-Cedar river conservancy district by subsection two  
 310 (2) of this section, and the designated portions of each of the follow-  
 311 ing counties:

312 a. In Hamilton county:

313	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
314	89	23	19, 20, 21, 28 to 33 inclusive.
315		24	15, 22, 27, 28, 33, 34, 35, 36.
316	88	23	6, 7, 18, 19, 30, 31.
317		24	All.
318		25	1, 12, 13, 24, 25, 26, 34, 35, 36.
319	87	23	5 to 9 inclusive, 15 to 22 inclusive, 27 to 36 inclusive.
320			
321		24	All.
322		25	1, 2, 3, 10 to 16 inclusive, 21 to 36 inclusive.
323			
324		26	25, 26, 27, 33 to 36 inclusive.
325	86	23, 24, 25	All.
326		26	1 to 5 inclusive, 7 to 36 inclusive.

327 All territory within the corporate limits of the towns of Blairsburg  
 328 and Kamrar, and of that portion of the town of Stratford which is  
 329 located in Hamilton county, as such limits existed on January 1,  
 330 1969, shall be within the Skunk river conservancy district, in-  
 331 cluding the portions of the towns of Blairsburg and Kamrar and  
 332 that portion of the town of Stratford which is within Hamilton  
 333 county which are not within any of the sections of land listed in this  
 334 paragraph.

335 b. In Webster county:

336	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
337	86	27	24, 25, 36.

338 All territory within the corporate limits of that portion of the  
 339 town of Stratford which is located in Webster county, as such limits  
 340 existed on January 1, 1969, shall be within the Skunk river con-  
 341 servancy district, including that portion of the town which is with-  
 342 in Webster county but is not within any of the sections of land  
 343 listed in this paragraph.

344 c. In Boone county:

345	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
346	85	25	All.
347		26	1 to 6 inclusive, 8 to 16 inclusive, 21 to 27 inclusive, 33 to 36 inclusive.
348			
349	84	25	All.
350		26	1, 2, 11 to 14 inclusive, 24.
351	83	25	1 to 5 inclusive, 9 to 16 inclusive, 23, 24, 25, 36.
352			

353	82	25	12, 13.
354	d. In Story county:		
355	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
356	85	21	31, 32.
357		22	4 to 9 inclusive, 16 to 23 inclusive,
358			26 to 36 inclusive.
359		23, 24	All.
360	84	21	5 to 8 inclusive, 15 to 22 inclusive,
361			27 to 34 inclusive.
362		22, 23, 24	All.
363	83	21	3 to 10 inclusive, 12 to 36 inclusive.
364		22, 23, 24	All.
365	82	21, 22, 23	All.
266		24	1 to 18 inclusive, 20 to 27 inclusive,
367			36.
368	e. In Polk county:		
369	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
370	81	22	All.
371		23	1 to 18 inclusive, 20 to 28 inclusive,
372			34, 35, 36.
373		24	1, 12.
374	80	22	1 to 29 inclusive, 32 to 36 inclusive.
375		23	1, 2, 11, 12.
376	79	22	1.
377	All territory within the corporate limits of the town of Elkhart, as		
378	such limits existed on January 1, 1969, shall be within the Skunk		
379	river conservancy district, including the portion of the town not		
380	within any of the sections of land listed in this paragraph.		
381	f. In Jasper county:		
382	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
383	81	17	4 to 9 inclusive, 15 to 23 inclusive,
384			25 to 36 inclusive.
385		18, 19, 20, 21	All.
386	80	17, 18, 19, 20, 21	All.
387	79	17, 18, 19, 20	All.
388		21	1 to 18 inclusive, 21 to 26 inclusive,
389			35, 36.
390	78	17, 18	All.
391		19	1 to 30 inclusive, 32 to 36 inclusive.
392		20	1 to 5 inclusive, 10 to 14 inclusive,
393			24, 25.
394	All territory within the corporate limits of the towns of Monroe		
395	and Prairie City, as such limits existed on January 1, 1969, shall		
396	be within the Skunk river conservancy district, including the por-		
397	tions of such towns not within any of the sections of land listed		
398	in this paragraph.		
399	g. That portion of Poweshiek county not included in the Iowa-		
400	Cedar river conservancy district and also all territory within the		
401	corporate limits of the city of Grinnell, the town of Montezuma,		
402	and that portion of the town of Barnes City which is located within		
403	Poweshiek county, as such limits existed on January 1, 1969, in-		
404	cluding those portions of the city of Grinnell and the town of Monte-		
405	zuma, and that portion of the town of Barnes City which is located		

406 within Poweshiek county, within any of the sections listed in para-  
407 graph i of subsection two (2) of this section.

408 h. In Marion county:

409	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
410	77	18	All.
411		19	1 to 5 inclusive, 9 to 15 inclusive, 23,
412			24, 25.
413	76	18	2 to 5 inclusive, 10, 11.

414 All territory within the corporate limits of the city of Pella, as  
415 such limits existed on January 1, 1969, shall be within the Skunk  
416 river conservancy district, including the portion of the city not  
417 within any of the sections of land previously listed in this paragraph.

418 i. In Mahaska county:

419	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
420	77	14	3 to 36 inclusive.
421		15, 16, 17	All.
422	76	14, 15, 16	All.
423		17	1 to 5 inclusive, 9 to 16 inclusive,
424			23, 24, 25.
425	75	14	All.
426		15	1 to 28 inclusive, 34, 35, 36.
427		16	1, 2, 3, 11, 12, 13.
428	74	14	All.
429		15	1, 2, 11 to 15 inclusive, 22 to 26 in-
430			clusive.

431 All territory within the corporate limits of the city of Oskaloosa  
432 and the town of University Park, and that portion of the town of  
433 Barnes City which is located in Mahaska county, as such limits  
434 existed on January 1, 1969, including the portions of the city of  
435 Oskaloosa and the town of University Park, and that portion of the  
436 town of Barnes City located in Mahaska county, not within any of  
437 the sections of land listed in this paragraph.

438 j. That portion of Keokuk county not included in the Iowa-Cedar  
439 river conservancy district and also all territory within the corporate  
440 limits of the towns of Gibson, South English, and Webster, as such  
441 limits existed on January 1, 1969, including the portions of such  
442 towns within any of the sections of land listed in paragraph l of  
443 subsection two (2) of this section.

444 k. That portion of Washington county not included in the Iowa-  
445 Cedar river conservancy district and also all territory within the  
446 corporate limits of the city of Washington and the town of Craw-  
447 fordsville, as such limits existed on January 1, 1969, including the  
448 portions of such city and such town within any of the sections of  
449 land listed in paragraph m of subsection two (2) of this section.

450 l. In Wapello county:

451	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
452	73	12, 13	All.
453		14	1 to 5 inclusive, 9 to 15 inclusive, 23
454			to 26 inclusive, 36.
455	72	12	All.
456		13	1 to 6 inclusive, 10 to 14 inclusive,
457			24, 25.
458		14	1.

459	71	12	1 to 5 inclusive, 9 to 12 inclusive, 14, 15.
460			
461	m. In Jefferson county:		
462	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
463	73	8, 9, 10, 11	All.
464	72	8, 9, 10, 11	All.
465	71	8, 9	All.
466		10	1 to 17 inclusive, 22 to 27 inclusive, 35, 36.
467			1 to 12 inclusive, 16, 17.
468		11	
469	All territory within the corporate limits of the town of Liberty-		
470	ville, as such limits existed on January 1, 1969, shall be within the		
471	Skunk river conservancy district, including the portion of such		
472	town not within any of the sections of land listed in this paragraph.		
473	n. That portion of Henry county not included in the Iowa-Cedar		
474	river conservancy district and also all territory within the corpo-		
475	rate limits of the town of New London, as such limits existed on		
476	January 1, 1969, including the portion of such town within any of		
477	the sections of land listed in paragraph p of subsection two (2) of		
478	this section.		
479	o. That portion of Des Moines county not included in the Iowa-		
480	Cedar river conservancy district and also all territory within the		
481	corporate limits of the town of Danville, as such limits existed on		
482	January 1, 1969, including the portion of such town within any of		
483	the sections of land listed in paragraph o of subsection two (2) of		
484	this section.		
485	p. In Van Buren county:		
486	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
487	70	8	All.
488		9	1 to 12 inclusive, 16, 36.
489	69	8	1 to 5 inclusive, 11, 12, 13.
490	All territory within the corporate limits of the town of Birming-		
491	ham, as such limits existed on January 1, 1969, shall be within the		
492	Skunk river conservancy district, including the portion of such		
493	town not within any of the sections of land listed in this paragraph.		
494	q. In Lee county:		
495	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
496	69	3, 4, 5, 6	All.
497		7	1 to 25 inclusive, 36.
498	68	2, 3, 4, 5	All.
499		6	1 to 6 inclusive, 8 to 17 inclusive, 20 to 28 inclusive, 33 to 36 inclusive.
500			
501	67	4, 5	All.
502		6	1, 2, 3, 10 to 15 inclusive, 23 to 26 inclusive, 36.
503			
504	66	4	All.
505		5	3 to 6 inclusive, 8 to 16 inclusive, 21 to 28 inclusive, 33 to 36 inclusive.
506			
507	65	4	All.
508		5	1 to 4 inclusive, 10 to 15 inclusive, 22 to 27 inclusive, 34, 35, 36.
509			
510	All territory within the corporate limits of the city of Keokuk, as		
511	such limits existed on January 1, 1969, shall be within the Skunk		

512 river conservancy district, including the portion of such city not  
513 within any of the sections of land listed in this paragraph.

514 4. The Des Moines river conservancy district shall include all of  
515 Kossuth, Humboldt, Pocahontas, Calhoun, Greene, Dallas, and War-  
516 ren counties, those portions of Wright, Webster, Hamilton, Boone,  
517 Story, Jasper, Marion, Mahaska, Jefferson, and Henry counties not  
518 included in either the Iowa-Cedar river conservancy district or the  
519 Skunk river conservancy district, or both, by subsections two (2)  
520 and three (3) of this section, and the designated portions of each  
521 of the following counties:

522 a. In Dickinson county:

523	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
524	100	35	7 to 17 inclusive, 20 to 28 inclusive,
525			33 to 36 inclusive.
526	99	35	1, 12, 13, 24.

527 All territory within the corporate limits of the town of Superior,  
528 as such limits existed on January 1, 1969, shall be within the Des  
529 Moines river conservancy district, including the portion of such  
530 town not within any of the sections of land listed in this paragraph.

531 b. In Emmet county:

532	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
533	100	31, 32, 33, 34	All.
534	99	31, 32, 33	All.
535		34	1 to 30 inclusive, 32 to 36 inclusive.
536	98	31, 32, 33	All.
537		34	1 to 4 inclusive, 9 to 16 inclusive, 22
538			to 27 inclusive, 34, 35, 36.

539 c. That portion of Winnebago county not included in the Iowa-  
540 Cedar river conservancy district and also all territory within the  
541 corporate limits of the town of Thompson, as such limits existed  
542 on January 1, 1969, including the portion of such town within any  
543 of the sections of land listed in paragraph a of subsection two (2)  
544 of this section.

545 d. That portion of Hancock county not included in the Iowa-Cedar  
546 river conservancy district and also all territory within the corpo-  
547 rate limits of the town of Britt, as such limits existed on January  
548 1, 1969, including the portion of such town within any of the sec-  
549 tions of land listed in paragraph b of subsection two (2) of this  
550 section.

551 e. In Palo Alto county:

552	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
553	97	31, 32, 33	All.
554		34	1, 2, 3, 10 to 15 inclusive, 23 to 27
555			inclusive, 35, 36.
556	96	31, 32, 33	All.
557		34	1, 2, 10 to 15 inclusive, 22 to 28 in-
558			clusive, 33 to 36 inclusive.
559	95	31, 32, 33	All.
560		34	1 to 5 inclusive, 8 to 36 inclusive.
561	94	31, 32, 33, 34	All.

562 f. In Clay county:

563	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
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564	95	35	13, 24, 25, 34, 35, 36.
565	94	35	1, 2, 3, 10 to 15 inclusive, 22 to 28 inclusive, 33 to 36 inclusive.
566			
567	g. In Buena Vista county:		
568	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
569	93	35	1 to 5 inclusive, 7 to 36 inclusive.
570		36	13 to 16 inclusive, 19 to 36 inclusive.
571			24 to 27 inclusive, 34, 35, 36.
572		37	All.
573	92	35, 36	1 to 4 inclusive, 9 to 16 inclusive, 22 to 29 inclusive, 32 to 36 inclusive.
574		37	All.
575			1, 2, 3, 9 to 16 inclusive, 21 to 36 inclusive.
576			11, 13, 14, 23, 24, 25, 26, 36.
577	91	35, 36	All.
578		37	1 to 30 inclusive, 32 to 36 inclusive.
579			1 to 18 inclusive, 22, 23, 24.
580		38	1.
581	90	35	All territory within the corporate limits of the town of Alta, as such limits existed on January 1, 1969, shall be within the Des Moines river conservancy district, including the portion of such town not within any of the sections of land listed in this paragraph.
582		36	
583		37	
584		38	
585	All territory within the corporate limits of the town of Alta, as such limits existed on January 1, 1969, shall be within the Des Moines river conservancy district, including the portion of such town not within any of the sections of land listed in this paragraph.		
586			
587			
588			
589	h. In Sac county:		
590	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
591	89	35	All.
592		36	1 to 17 inclusive, 20 to 29 inclusive, 32 to 36 inclusive.
593			All.
594	88	35, 36	1, 2, 11 to 14 inclusive, 24, 25, 36.
595		37	All.
596	87	35	1 to 30 inclusive, 32 to 36 inclusive.
597		36	1, 12.
598		37	All.
599	86	35	1 to 5 inclusive, 8 to 17 inclusive, 21 to 28 inclusive, 34, 35, 36.
600		36	
601	All territory within the corporate limits of the town of Lake View, as such limits existed on January 1, 1969, shall be within the Des Moines river conservancy district, including the portions of such town not within any of the sections of land listed in this paragraph.		
602			
603			
604			
605			
606	i. In Carroll county:		
607	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
608	85	33, 34, 35	All.
609		36	1, 11 to 15 inclusive, 21 to 28 inclusive, 34, 35, 36.
610			All.
611	84	33, 34, 35	1, 2, 3, 10 to 15 inclusive, 22 to 28 inclusive, 33 to 36 inclusive.
612		36	All.
613			1, 2, 11 to 14 inclusive, 24.
614	83	33, 34, 35	All.
615		36	
616	82	33	All.

617		34	1 to 30 inclusive, 32 to 36 inclusive.
618		35	1 to 5 inclusive, 8 to 14 inclusive, 24.
619	j. In Audubon county:		
620	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
621	81	34	1 to 4 inclusive, 9 to 16 inclusive,
622			22 to 26 inclusive, 36.
623	k. In Guthrie county:		
624	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
625	81	30, 31, 32, 33	All.
626	80	30, 31, 32	All.
627		33	1 to 18 inclusive, 20 to 29 inclusive,
628			33 to 36 inclusive.
629	79	30, 31, 32	All.
630		33	1, 2, 3, 10 to 15 inclusive, 23, 24,
631			25, 35, 36.
632	78	30, 31, 32	All.
633		33	1 to 6 inclusive, 8 to 16 inclusive,
634			21 to 28 inclusive, 34, 35, 36.
635	l. That portion of Polk county not included in the Skunk river		
636	conservancy district and also all territory within the corporate limits		
637	of the towns of Bondurant and Mitchellville, as such limits existed		
638	on January 1, 1969, including the portions of such towns within		
639	any of the sections of land listed in paragraph e of subsection three		
640	(3) of this section.		
641	m. In Adair county:		
642	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
643	77	30, 31	All.
644		32	1 to 27 inclusive, 34, 35, 36.
645		33	1, 2, 11, 12, 13, 24.
646	76	30	1 to 30 inclusive, 32 to 36 inclusive.
647		31	1 to 24 inclusive.
648		32	1, 2, 11, 12, 13, 24.
649	75	30	1 to 4 inclusive, 9 to 15 inclusive,
650			23 to 26 inclusive.
651	n. In Madison county:		
652	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
653	77	26, 27, 28, 29	All.
654	76	26, 27, 28, 29	All.
655	75	26, 27, 28	All.
656		29	1 to 29 inclusive, 33 to 36 inclusive.
657	74	26, 27	All.
658		28	1 to 29 inclusive, 32 to 36 inclusive.
659		29	1 to 4 inclusive, 10 to 15 inclusive,
660			23, 24.
661	o. In Union county:		
662	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
663	73	28	1 to 4 inclusive, 10 to 13 inclusive.
664	p. In Clarke county:		
665	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
666	73	24, 25, 26	All.
667		27	1 to 18 inclusive, 20 to 29 inclusive,
668			33 to 36 inclusive.

669	72	24, 25	All.
670		26	1 to 18 inclusive, 20 to 29 inclusive,
671			32 to 36 inclusive.
672		27	1, 2, 3, 10.
673	71	24	1 to 12 inclusive, 14 to 20 inclusive.
674		25	1 to 24 inclusive, 28, 29, 30.
675		26	1, 12, 13, 24, 25.
676	q. In Lucas county:		
677	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
678	73	20, 21, 22, 23	All.
679	72	20	All.
680		21	1 to 29 inclusive, 33 to 36 inclusive.
681		22	1 to 12 inclusive, 15 to 22 inclusive,
682			27 to 33 inclusive.
683		23	All.
684	71	20	1, 2, 3, 12.
685		21	1, 2, 3.
686		22	6.
687		23	1 to 7 inclusive.
688	All territory within the corporate limits of the city of Chariton,		
689	as such limits existed on January 1, 1969, shall be within the Des		
690	Moines river conservancy district, including the portion of the city		
691	not within any of the sections of land listed in this paragraph.		
692	r. In Monroe county:		
693	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
694	73	16, 17, 18, 19	All.
695	72	16, 17, 18, 19	All.
696	71	16, 17, 18	All.
697		19	1 to 25 inclusive, 28, 30.
698	s. That portion of Wapello county not included in the Skunk		
699	river conservancy district and also all territory within the corpo-		
700	rate limits of the towns of Agency and Kirksville and the city of		
701	Ottumwa, as such limits existed on January 1, 1969, including the		
702	portions of such towns and city within any of the sections of land		
703	listed in paragraph 1 of subsection three (3) of this section.		
704	t. In Appanoose county:		
705	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
706	70	16	All.
707		17	1 to 5 inclusive, 9 to 15 inclusive,
708			22 to 27 inclusive, 35, 36.
709	69	16	6, 7.
710		17	1, 2.
711	All territory within the corporate limits of the towns of Moravia and		
712	Unionville, as such limits existed on January 1, 1969, shall be within		
713	the Des Moines river conservancy district, including the portion of		
714	such towns not within any of the sections of land listed in this para-		
715	graph.		
716	u. In Davis county:		
717	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
718	70	12, 13, 14, 15	All.
719	69	12	1 to 24 inclusive, 28, 29, 30.
720		13	1 to 17 inclusive, 23, 24, 25.



721		14	1 to 6 inclusive, 12.
722		15	2 to 6 inclusive, 8, 9.
723	v. In Van Buren county:		
724	Twp. N.	Range West	Sections
725	70	9	13, 14, 15, 17 to 35 inclusive.
726		10, 11	All.
727	69	8	6 to 10 inclusive, 14 to 36 inclusive.
728		9, 10	All.
729		11	1 to 30 inclusive, 32 to 36 inclusive.
730	68	8, 9	All.
731		10	1 to 18 inclusive, 20 to 27 inclusive, 36.
732			36.
733		11	1 to 4 inclusive, 11, 12, 13.
734	67	8	All.
735		9	1 to 6 inclusive, 9 to 16 inclusive.
736	All territory within the corporate limits of the town of Stockport,		
737	as such limits existed on January 1, 1969, shall be within the Des		
738	Moines river conservancy district, including the portion of the city		
739	not within any of the sections of land listed in this paragraph.		
740	w. That portion of Lee county not included in the Skunk river		
741	conservancy district and also all territory within the corporate lim-		
742	its of the town of Donnellson, as such limits existed on January 1,		
743	1969, including the portion of such town within any of the sections		
744	of land listed in paragraph q of subsection three (3) of this section.		
745	5. The southern Iowa conservancy district shall include all of		
746	Wayne, Decatur, Ringgold, Adams, Taylor, Cass, Montgomery, and		
747	Page counties, those portions of Audubon and Monroe counties not		
748	included in the Des Moines river conservancy district, and the desig-		
749	nated portions of each of the following counties:		
750	a. That portion of Van Buren county not included in either the		
751	Skunk river conservancy district or the Des Moines river conserv-		
752	ancy district and also all territory within the corporate limits of		
753	the town of Mount Sterling, as such limits existed on January 1,		
754	1969, including the portion of such town within any of the sections		
755	of land listed in paragraph v of subsection four (4) of this section.		
756	b. That portion of Davis county not included in the Des Moines		
757	river conservancy district and also all territory within the corpo-		
758	rate limits of the town of Drakesville, as such limits existed on Janu-		
759	ary 1, 1969, including the portion of such town within any of the		
760	sections of land listed in paragraph u of subsection four (4) of this		
761	section.		
762	c. That portion of Appanoose county not included in the Des		
763	Moines river conservancy district and also all territory within the		
764	corporate limits of the town of Udell, as such limits existed on		
765	January 1, 1969, including the portion of such town within any of		
766	the sections of land listed in paragraph t of subsection four (4) of		
767	this section.		
768	d. That portion of Lucas county not included in the Des Moines		
769	river conservancy district and also all territory within the corpo-		
770	rate limits of the town of Russell, as such limits existed on January		
771	1, 1969, including the portion of such town within any of the sec-		
772	tions of land listed in paragraph q of subsection four (4) of this sec-		
773	tion.		

774 e. That portion of Clarke county not included in the Des Moines  
775 river conservancy district and also all territory within the corporate  
776 limits of the town of Murray, as such limits existed on January 1,  
777 1969, including the portion of such town within any of the sections of  
778 land listed in paragraph p of subsection four (4) of this section.

779 f. That portion of Union county not included in the Des Moines  
780 river conservancy district and also all territory within the corpo-  
781 rate limits of the town of Lorimor, as such limits existed on January  
782 1, 1969, including the portion of such town within any of the sec-  
783 tions of land listed in paragraph o of subsection four (4) of this  
784 section.

785 g. That portion of Madison county not included in the Des Moines  
786 river conservancy district and also all territory within the corpo-  
787 rate limits of the town of Macksburg, as such limits existed on  
788 January 1, 1969, including the portion of such town within any of  
789 the sections of land listed in paragraph n of subsection four (4) of  
790 this section.

791 h. That portion of Adair county not included in the Des Moines  
792 river conservancy district and also all territory within the corpo-  
793 rate limits of that portion of the town of Adair which is located in  
794 Adair county, as such limits existed on January 1, 1969, including  
795 that portion of the town of Adair which is located in Adair county  
796 within any of the sections of land listed in paragraph m of subsec-  
797 tion four (4) of this section.

798 i. That portion of Guthrie county not included in the Des Moines  
799 river conservancy district and also all territory within the corpo-  
800 rate limits of that portion of the town of Adair which is located in  
801 Guthrie county, as such limits existed on January 1, 1969, including  
802 that portion of the town of Adair which is located in Guthrie county  
803 within any of the sections of land listed in paragraph k of subsec-  
804 tion four (4) of this section.

805 j. In Carroll county:

806	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
807	83	36	3, 4, 5, 7 to 10 inclusive, 15 to 23
808			inclusive, 25 to 36 inclusive.
809	82	34	31.
810		35	6, 7, 15 to 23 inclusive, 25 to 36 inclu-
811			sive.
812		36	All.

813 All territory within the corporate limits of the town of Templeton,  
814 as such limits existed on January 1, 1969, shall be within the south-  
815 ern Iowa conservancy district, including the portion of the town  
816 not within any of the sections of land previously listed in this para-  
817 graph.

818 k. In Crawford county:

819	<u>Twp. N.</u>	<u>Range West</u>	<u>Sections</u>
820	83	37	11 to 36 inclusive.
821		38	23 to 26 inclusive, 34, 35, 36.
822	82	37	All.
823		38	1 to 5 inclusive, 9 to 36 inclusive.
824		39	13, 23 to 28 inclusive, 33 to 36 inclu-
825			sive.

826 l. In Shelby county:

827	Twp. N.	Range West	Sections
828	81	37, 38	All.
829		39	1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, 34, 35, 36.
830			
831	80	37, 38	All.
832		39	1, 2, 3, 10 to 16 inclusive, 21 to 28 inclusive, 34, 35, 36.
833			
834	79	37, 38	All.
835		39	1, 2, 3, 10 to 16 inclusive, 21 to 29 inclusive, 32 to 36 inclusive.
836			
837	78	37, 38, 39	All.
838		40	1, 2, 3, 10 to 15 inclusive, 21 to 28 inclusive, 32 to 36 inclusive.
839			
840	All territory within the corporate limits of the towns of Shelby,		
841	Tennant, and Westphalia, as such limits existed on January 1, 1969,		
842	shall be within the southern Iowa conservancy district, including		
843	the portions of such towns not within any of the sections of land		
844	listed in this paragraph.		
845	m. In Pottawattamie county:		
846	Twp. N.	Range West	Sections
847	77	38, 39, 40	All.
848		41	25, 36.
849	76	38, 39, 40	All.
850		41	1, 11 to 15 inclusive, 21 to 29 inclusive, 32 to 36 inclusive.
851			
852	75	38, 39, 40, 41	All.
853		42	13, 24, 25, 26, 35, 36.
854	74	38, 39, 40, 41	All.
855		42	1, 2, 11 to 14 inclusive, 23, 24, 25, 35, 36.
856			
857	n. In Mills county:		
858	Twp. N.	Range West	Sections
859	73	40, 41	All.
860		42	1, 2, 11 to 15 inclusive, 22 to 27 inclusive, 34, 35, 36.
861			
862	72	40, 41	All.
863		42	1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, 34, 35, 36.
864			
865	71	40, 41	All.
866		42	1, 2, 3, 10 to 15 inclusive, 22 to 27 inclusive, 34, 35, 36.
867			
868	o. In Fremont county:		
869	Twp. N.	Range West	Sections
870	70	40, 41	All.
871		42	1, 2, 3, 10 to 14 inclusive, 23 to 27 inclusive, 34, 35, 36.
872			
873	69	40, 41	All.
874		42	1 to 4 inclusive, 9 to 16 inclusive, 19 to 36 inclusive.
875			
876		43	25, 36.
877	68	40, 41, 42	All.
878		43	9 to 16 inclusive, 21 to 27 inclusive,

- 879 35, 36.  
 880 67 40, 41, 42 All.  
 881 43 1, 2, 12, 13, 24, 25, 26, 35, 36.  
 882 6. The western Iowa conservancy district shall include all of Lyon,  
 883 Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Mo-  
 884 nona, and Harrison counties, those portions of Dickinson, Emmet,  
 885 Palo Alto, Clay, and Buena Vista counties not included in the Des  
 886 Moines river conservancy district, those portions of Crawford,  
 887 Shelby, and Pottawattamie counties not included in the southern Iowa  
 888 conservancy district, and the designated portions of each of the fol-  
 889 lowing counties:  
 890 a. That portion of Sac county not included in the Des Moines  
 891 river conservancy district and also all territory within the corpo-  
 892 rate limits of the town of Wall Lake, as such limits existed on Janu-  
 893 ary 1, 1969, including the portion of such town within any of the  
 894 sections of land listed in paragraph h of subsection four (4) of this  
 895 section.  
 896 b. That portion of Carroll county not included in either the Des  
 897 Moines river conservancy district or the southern Iowa conservancy  
 898 district and also all territory within the corporate limits of the  
 899 town of Arcadia, as such limits existed on January 1, 1969, includ-  
 900 ing the portion of such town within any of the sections of land  
 901 listed in paragraph i of subsection four (4) of this section.  
 902 c. That portion of Mills county not included in the southern Iowa  
 903 conservancy district and also all territory within the corporate lim-  
 904 its of that portion of the town of Tabor which is located in Mills  
 905 county, as such limits existed on January 1, 1969, including that  
 906 portion of the town of Tabor which is located in Mills county with-  
 907 in any of the sections of land listed in paragraph n of subsection five  
 908 (5) of this section.  
 909 d. That portion of Fremont county not included in the southern  
 910 Iowa conservancy district and also all territory within the corpo-  
 911 rate limits of that portion of the town of Tabor which is located in  
 912 Fremont county, as such limits existed on January 1, 1969, includ-  
 913 ing that portion of the town of Tabor which is located in Fremont  
 914 county within any of the sections of land listed in paragraph o of  
 915 subsection five (5) of this section.
- 1 SEC. 4. The governing body of each district shall be the state soil  
 2 conservation committee established by section four hundred sixty-  
 3 seven A point four (467A.4) of the Code.
- 1 SEC. 5. When officially conducting the business of any conserv-  
 2 ancy district, the state soil conservation committee shall formally  
 3 convene as the board of that district and shall keep minutes as  
 4 such. The chairman of the state soil conservation committee shall  
 5 be the chairman of the board of each conservancy district.
- 1 SEC. 6. The board of each district shall:  
 2 1. Exercise such supervision over the water resources of the  
 3 district, including water in any basin, watercourse, or other body  
 4 of water in the district, and have authority to promulgate and re-  
 5 peal, with approval of the council, and enforce such rules and regu-  
 6 lations, except those water quality standards under the authority  
 7 of the Iowa water pollution control commission, as necessary to

8 achieve the objectives of this Act as set forth in section one (1)  
9 hereof.

10 2. Have authority to employ, appoint, or retain attorneys, engi-  
11 neers, other professional and technical employees, and such other  
12 personnel as are deemed necessary, and approve bonds of district  
13 employees.

14 3. Prepare, adopt, and implement a plan, and review and revise  
15 the same, in the manner prescribed by this Act.

16 4. Encourage, foster, and promote establishment, enlargement,  
17 or consolidation of drainage, levee, soil conservation, flood control,  
18 and sanitation districts where desirable, provided that this subsec-  
19 tion shall not be construed to vest the board with authority to di-  
20 rectly establish, enlarge, or consolidate any such districts by any  
21 procedure not otherwise prescribed by law.

22 5. Review the plans and coordinate the programs and activities  
23 between counties, cities, towns, and any of the entities listed in sub-  
24 section four (4) of this section, and otherwise advise and assist the  
25 governing bodies of such entities in any appropriate manner, in all  
26 cases which relate to any matter within the jurisdiction of the dis-  
27 trict, provided that the board shall have only advisory and consulta-  
28 tive powers with respect to any such entities except as otherwise  
29 specifically provided in this Act.

30 6. Have authority to enter into binding agreements, with re-  
31 spect to any matter within the jurisdiction of the district, with:

32 a. Any person, firm, corporation or association, the state of  
33 Iowa, or any of its political subdivisions.

34 b. The federal government, or any of the agencies thereof.

35 c. Other states or agencies or subdivisions thereof comparable in  
36 purpose to the district, provided all such agreements are entered  
37 into jointly with the council.

38 7. Have authority to expend funds outside the state of Iowa, or  
39 in adjoining conservancy districts, pursuant to agreements made  
40 under subsection six (6) of this section, where necessary in order  
41 to more effectively or efficiently achieve the objectives of this Act,  
42 and to receive funds from other states for expenditure in Iowa,  
43 or from other conservancy districts for expenditure in the district  
44 receiving such funds.

45 8. Have authority to acquire by gift, lease, purchase, grant, or  
46 inheritance any property, real or personal, in fee or a lesser interest,  
47 needed to achieve the objectives of this Act, and to sell and convey  
48 property owned but no longer needed by the district. The board  
49 shall also have authority to acquire by condemnation proceedings  
50 any real property, in fee or a lesser interest, needed to achieve the  
51 objectives of this Act, but no condemnation proceedings shall be  
52 instituted by the board less than fifteen days after a letter has been  
53 sent by restricted certified mail to the owner or owners of the prop-  
54 erty sought, setting forth in detail the reasons why the property is  
55 needed and the board's best offer for the property.

56 9. Construct, operate, maintain, repair, enlarge, and make such  
57 internal improvements as are necessary to implement the district's  
58 overall plan.

59 10. Have authority to sue and be sued in the name of the district,  
60 and bring action to abate soil erosion nuisances in the manner pre-

61 scribed by section twenty-three (23) of this Act.

62 11. Maintain at its office a record of all the district's proceed-  
63 ings, rules and regulations, and orders, and furnish copies thereof  
64 to the council upon request.

1 SEC. 7. The state soil conservation committee, in its respective  
2 capacities as the board of each of the several conservancy districts,  
3 shall appoint a secretary and a treasurer for each district.

1 SEC. 8. The state soil conservation committee may at its discre-  
2 tion appoint the same individual as secretary for two or more con-  
3 servancy districts, or as the treasurer for two or more conservancy  
4 districts. No person shall simultaneously serve as both a conserv-  
5 ancy board secretary and a conservancy board treasurer, either for  
6 the same district or for different districts.

1 SEC. 9. Any person appointed by the state soil conservation  
2 committee as secretary or treasurer of one or more conservancy  
3 districts, who is not otherwise employed by the state or any of its  
4 political subdivisions, shall receive such compensation as the com-  
5 mittee shall determine.

1 SEC. 10. The secretary of each conservancy district shall:

2 1. Keep a complete record of the proceedings at each meeting of  
3 the board.

4 2. File and preserve copies of all rules and regulations promul-  
5 gated and all orders adopted by the board, and of all correspond-  
6 ence and other papers transmitted to him pertaining to the busi-  
7 ness of the district.

8 3. Keep an accurate account of the district's funds with the treas-  
9 urer, charge him with all warrants and drafts drawn in his favor,  
10 and credit him with all orders drawn on the district's funds.

11 4. Keep an accurate account of all expenses incurred by the dis-  
12 trict, and present all claims to the board for audit and payment.

1 SEC. 11. District funds shall not be expended, other than for  
2 salaries and administrative expenses, except upon verified claims  
3 submitted to and approved by the board. Warrants drawn on dis-  
4 trict funds shall be signed by the board chairman and the secretary.

1 SEC. 12. In each even-numbered year the board shall prepare a  
2 budget for the biennium beginning July first of the succeeding cal-  
3 endar year, setting forth all proposed expenditures by the district  
4 during such biennium, and stating the amounts which it is antici-  
5 pated will be available to the district during such biennium from  
6 sources other than state appropriations. The board shall submit its  
7 budget to the state soil conservation committee on or before August  
8 first of each even-numbered year.

1 SEC. 13. The state soil conservation committee shall review the  
2 proposed biennial budget of each of the districts, and may revise  
3 any such budget. The state soil conservation committee shall pre-  
4 pare a consolidated list of the appropriations requested for admin-  
5 istration, operation, and maintenance of each district for each year  
6 of the ensuing biennium, and of capital appropriations requested,  
7 if any, for each district, and shall forward the consolidated list to

8 the state comptroller as a part of the state soil conservation com-  
9 mittee's estimates of expenditure requirements submitted pursuant  
10 to section eight point twenty-three (8.23) of the Code.

1 SEC. 14. In addition to funds appropriated to the district by the  
2 general assembly, the board shall be authorized to receive and ex-  
3 pend:

4 1. Federal funds available to the district for such purposes as  
5 may be provided by federal laws, rules, and regulations, to the extent  
6 consistent with the laws of this state.

7 2. Donations and gifts, which may be accepted by the board and  
8 expended in accordance with the terms of the gift.

1 SEC. 15. The districts shall be subject to chapter eight (8) of  
2 the Code, but expenditure by a district of funds available to it as  
3 provided in section fourteen (14), subsections one (1) and two (2),  
4 of this Act shall not be deemed a violation of section eight point  
5 thirty-eight (8.38) of the Code.

1 SEC. 16. The board shall prepare, in consultation with the coun-  
2 cil, a plan for accomplishment of the objectives of this Act within  
3 the district. For this purpose the board may request and shall  
4 obtain from any state agency or political subdivision information  
5 which the agency or subdivision may have already collected which  
6 is pertinent to preparation of the plan, and may conduct such hear-  
7 ings as it deems necessary. The plan shall establish an order of  
8 priorities for carrying out projects necessary to accomplish the  
9 objectives of this Act, shall conform as nearly as practicable to the  
10 comprehensive statewide water resources plan established by the  
11 council pursuant to section four hundred fifty-five A point seven-  
12 teen (455A.17) of the Code, and shall reflect the following general  
13 policies:

14 1. First consideration shall be given to work needed at or near  
15 the source of the streams in the district, and on or along the tribu-  
16 taries thereto, to the greatest extent practicable.

17 2. Conservancy district funds shall not be expended for functions  
18 or improvements which are:

19 a. The responsibility of other political subdivisions and are with-  
20 in their abilities, reasonable consideration being given to their other  
21 duties and obligations.

22 b. Constructed or implemented, or planned for construction or  
23 implementation, on one or more tracts of privately owned land and  
24 primarily benefit those lands rather than other lands in the con-  
25 servancy district.

1 SEC. 17. The board shall tentatively adopt the plan by resolution  
2 and shall present the plan to the council not later than July 1, 1973.  
3 The council shall within ninety days approve the plan as presented,  
4 or with such amendments as, in its discretion, it deems necessary  
5 to bring the district's plan into conformity with the comprehensive  
6 statewide water resources plan established by the council pursuant  
7 to section four hundred fifty-five A point seventeen (455A.17) of  
8 the Code.

1 SEC. 18. The plan and the order of priorities established thereby  
2 shall constitute the working program of the district. The plan

3 shall be reviewed from time to time and shall, with the consent of  
4 the council, be changed as deemed necessary as the result of expe-  
5 rience gained in construction and maintenance of internal improve-  
6 ments by the district, and in operation of the district, or as the re-  
7 sult of changed conditions. The board may initiate changes in the  
8 district plan on its own motion or at the direction of the council.

1 SEC. 19. After final approval of the plan, the board shall begin  
2 to implement the plan as expeditiously as possible, within the limi-  
3 tations of available appropriations and other financial resources.  
4 When implementation of the plan involves construction or improve-  
5 ment of any internal improvement by the district, the board may  
6 order the preparation of detailed plans and specifications, and a  
7 refined cost estimate. Upon completion of such plans, specifications  
8 and cost estimate to their satisfaction, the board shall adopt the  
9 same, subject to the approval of the council, and shall let the con-  
10 tract or contracts therefor in accordance with section twenty (20)  
11 of this Act.

1 SEC. 20. When the estimated total cost of construction, enlarge-  
2 ment, alteration or repair of any internal improvement exceeds  
3 five thousand dollars, the district shall advertise for bids on the  
4 proposed improvement by two publications in at least one newspaper  
5 of general circulation in the district, the first of which shall be not  
6 less than fifteen days prior to the date set for receiving bids, and  
7 shall let the work to the lowest responsible bidder submitting a  
8 sealed proposal; provided that if, in the judgment of the board, the  
9 bids received are not acceptable, all bids may be rejected and new  
10 bids requested. All bids must be accompanied, in a separate en-  
11 velope, by a deposit of money or certified check, in an amount to  
12 be named in the advertisement for bids, as security that the bidder  
13 will enter into a contract in accordance with the terms of his bid.  
14 The board shall fix the bid security in an amount equal to at least  
15 five percent, but not more than ten percent of the estimated total  
16 cost of the work. The checks or deposits of money of the unsuc-  
17 cessful bidders shall be returned as soon as the successful bidder is  
18 determined, and the check or deposit of money of the successful  
19 bidder shall be returned upon execution of the contract documents.

1 SEC. 21. Any other provision of this Act notwithstanding, no  
2 district shall let a contract for any internal improvement of any  
3 kind unless its engineer shall recommend, and the board shall find,  
4 that the proposed internal improvement would be adequately pro-  
5 tected against siltation by soil and water conservation practices  
6 existing within the watershed of the internal improvement, or which  
7 would be developed as a part of the internal improvement, or that  
8 the nature of the internal improvement precludes the probability of  
9 damage due to siltation.

1 SEC. 22. When the district's plan calls for an internal improve-  
2 ment which cannot be undertaken due to a finding that the internal  
3 improvement would not be adequately protected against siltation,  
4 the board shall undertake to effect the development of the needed  
5 soil and water conservation practices in the watershed of the pro-  
6 posed internal improvement by:



7 1. Consultation and cooperation with, and appropriate assistance  
8 to, the commissioners of any soil conservation district in the state.  
9 2. Securing the establishment of, or repair or maintenance within,  
10 a subdistrict of a soil conservation district, a soil conservation and  
11 flood control district, a drainage district, a levee district, a sanitary  
12 district, or other appropriate special district, in the manner pre-  
13 scribed by law.

1 SEC. 23. Soil erosion resulting in or contributing to damage by  
2 siltation to any internal improvement of a conservancy district, or  
3 resulting in or contributing to damage to property not owned by  
4 the owner or occupant of the land on which such erosion is occur-  
5 ring, is hereby declared to be a nuisance. The board of the district  
6 whose internal improvement is so damaged, the commissioners of  
7 the soil conservation district within which such erosion is occurring,  
8 or the owner or owners of any property so damaged, may bring  
9 action to enjoin and abate any such nuisance as provided by chap-  
10 ter six hundred fifty-seven (657) of the Code. It shall be an ade-  
11 quate defense to such an action that any defendant, prior to the time  
12 the cause of action arose, had submitted application for public cost-  
13 sharing funds pursuant to section thirty-five (35) of this Act, or  
14 had established or maintained soil and water conservation practices  
15 or erosion control practices approved by the commissioners of the  
16 soil conservation district in which the erosion complained of oc-  
17 curred, or had taken other reasonable and prudent measures to pre-  
18 vent excessive soil erosion, and that the erosion complained of was  
19 an isolated occurrence caused by a single prolonged or unusually  
20 heavy rainfall, unusually rapid melting of accumulated snow, se-  
21 vere windstorm, or other similar event beyond the control of the  
22 defendant. The remedy for any soil erosion which constitutes a  
23 nuisance under this section shall be limited to requiring that the  
24 owner or occupant of the land on which the erosion is occurring take  
25 such measures as are necessary to comply with the regulations of  
26 the soil conservation district in which the land is located, and the  
27 fine and jail sentence provided by section six hundred fifty-seven  
28 point three (657.3) of the Code shall not apply in any action arising  
29 under this section.

1 SEC. 24. The board, the commissioners of a soil conservation dis-  
2 trict, or an engineer or any other authorized person employed by  
3 the board or commissioners, may after thirty days written notice  
4 by restricted certified mail addressed to the owner and also to the  
5 occupant, enter upon private land for the purpose of making sur-  
6 veys, soundings, drillings, appraisals, and examinations as deemed  
7 appropriate or necessary to determine the advisability or practicabil-  
8 ity of locating an internal improvement on said land or part thereof,  
9 or to determine whether soil erosion is occurring thereon which con-  
10 stitutes a nuisance under section twenty-three (23) of this Act or is  
11 in violation of the soil conservation district's regulations; provided, no  
12 soundings or drillings shall be made within twenty rods of the dwell-  
13 ing house or buildings on said land without the written consent of  
14 the owner. Such entry, after notice, shall not be deemed a trespass,  
15 and the board or commissioners may be aided by injunction to insure  
16 peaceful entry. The board shall pay actual damages caused by such

17 entry, surveys, soundings, drillings, appraisals, or examinations.  
 18 The amount of such damages, if any, shall be determined by agree-  
 19 ment or in the manner provided for the award of damages in con-  
 20 demnation of land for conservancy district purposes.

1 SEC. 25. Chapter four hundred fifty-five (455), Code 1971, is  
 2 amended by adding the following new section:

3 The governing board of every drainage or levee district organized  
 4 under the laws of this state shall take notice of the district plan, and  
 5 shall conform to the duly promulgated rules and regulations, of  
 6 the conservancy district or districts in which the drainage or levee  
 7 district is located; provided that this section shall not be construed  
 8 to grant any authority not otherwise granted by law to the govern-  
 9 ing boards of drainage or levee districts.

1 SEC. 26. Chapter four hundred fifty-five A (455A), Code 1971,  
 2 is amended by adding the following new section:

3 **Coordination with conservancy districts.** The council and the  
 4 boards of the several conservancy districts established by this Act  
 5 shall coordinate their efforts in carrying out the purposes of chap-  
 6 ter four hundred fifty-five A (455A) of the Code, and of this Act.  
 7 In addition to other powers and duties conferred by law upon the  
 8 council, it shall:

9 1. Offer such advice and assistance as may be appropriate to the  
 10 boards of the several conservancy districts in the state in discharg-  
 11 ing their powers and duties.

12 2. Review, amend, and give final approval to the plan of each of  
 13 the conservancy districts, and to any subsequent changes therein,  
 14 in the manner provided by this Act.

15 3. Maintain files of such proceedings, rules and regulations, and  
 16 orders, of each of the conservancy districts in the state, as the coun-  
 17 cil may request from the districts pursuant to section six (6), sub-  
 18 section eleven (11) of this Act.

19 4. Inform the board of any conservancy district:

20 a. Of the receipt of each application for a permit to divert, store,  
 21 or withdraw either surface or underground waters at any place  
 22 within the district, filed with the council pursuant to section four  
 23 hundred fifty-five A point nineteen (455A.19) through section four  
 24 hundred fifty-five A point thirty-two (455A.32), inclusive, of the  
 25 Code.

26 b. Of the receipt of each application for approval of a proposed  
 27 dam, obstruction, deposit or excavation in or on any floodway or  
 28 flood plain in the district, filed with the council pursuant to section  
 29 four hundred fifty-five A point thirty-three (455A.33) of the Code.

30 c. Of any proposed order which would establish encroachment  
 31 limits and zoning regulations on any flood plain in the district, filed  
 32 with the council pursuant to section four hundred fifty-five A point  
 33 thirty-five (455A.35) of the Code.

34 d. Of the receipt of each application for approval of any proposed  
 35 flood control structure or works, filed with the council pursuant to  
 36 section four hundred fifty-five A point thirty-six (455A.36) of the  
 37 Code.

1 SEC. 27. Section four hundred sixty-seven A point four (467A.4),  
 2 subsections one (1) and three (3), Code 1971, are amended as fol-

3 lows:

4 1. There is hereby established, to serve as an agency of the state  
5 and to perform the functions conferred upon it in this chapter [(to-  
6 gether with such other functions as may be hereafter assigned to it  
7 from time to time by act of the legislature)], the department of soil  
8 conservation. The department shall be administered in accordance  
9 with the policies of the state soil conservation committee, which  
10 shall consist of a chairman and [six] *ten* members. The following  
11 shall serve as *ex officio* members of the committee: The director of  
12 the state agricultural extension service *or his designee*, the secretary  
13 of agriculture, or [a member designated by him] *his designee*, the  
14 *director of the state conservation commission or his designee*, and the  
15 *director of the Iowa natural resources council or his designee*. [Five]  
16 *Seven voting* members shall be appointed by the governor and con-  
17 firmed by the senate. [The five] *Six of the* appointive members  
18 shall be [bona fide farmers living on farms] *persons engaged in*  
19 *actual farming operations, one of whom shall be a resident of each*  
20 *of the six conservancy districts established by section three (3) of*  
21 *this Act, and no more than one of whom shall be a resident of any*  
22 *one county. The seventh appointive member shall be chosen by the*  
23 *governor from the state at large and shall be a representative of*  
24 *cities and towns. The committee may invite the secretary of agri-*  
25 *culture of the United States to appoint one person to serve with the*  
26 *above mentioned members, [but] and the president of the Iowa*  
27 *county engineers association may designate a member of the asso-*  
28 *ciation to serve in the same manner, but these persons shall have*  
29 *no vote and shall serve in an advisory capacity only. The committee*  
30 *shall adopt a seal, which seal shall be judicially noticed, and may*  
31 *perform such acts, hold such public hearings, and promulgate such*  
32 *rules and regulations as may be necessary for the execution of its*  
33 *functions under this chapter.*

34 3. The committee shall designate its chairman, and may, from  
35 time to time, change such designation. The director of the state  
36 agricultural extension service shall hold office so long as he shall  
37 retain the office by virtue of which he shall be serving on the com-  
38 mittee. The members appointed by the governor shall serve for a  
39 period of six years, except that [beginning in the year 1961, of the  
40 four committee members subject to appropriate action by the gov-  
41 ernor and senate in 1961, two shall be appointed for four-year  
42 terms beginning July 1, 1961, and two shall be appointed for six-  
43 year terms beginning July 1, 1961. Appointments shall be made  
44 every two years and not more than two members shall be ap-  
45 pointed in any one year except to fill vacancies. The member rep-  
46 resenting the secretary of agriculture shall serve until there is a  
47 change in the personnel of the secretary of agriculture.] *in the year*  
48 *1971, two members shall be appointed for terms of six years begin-*  
49 *ning July 1, 1971, and two members shall be appointed for terms of*  
50 *four years beginning July 1, 1971. Thereafter, members shall be*  
51 *appointed in each odd-numbered year to succeed members whose*  
52 *terms expire on June 30 of that year. Appointments may be made*  
53 *at such other times and for such other periods as are necessary to*  
54 *fill vacancies on the committee, and any appointment so made while*  
55 *the general assembly is not in session shall be subject to confirmation*

56 *by the senate at the next session of the general assembly thereafter.*  
 57 *No members shall be appointed to serve more than two complete six-*  
 58 *year terms. Members designated to represent the secretary of*  
 59 *agriculture, director of the state conservation commission, or the*  
 60 *director of the Iowa natural resources council shall serve at the pleas-*  
 61 *ure of the officer making such designation. A majority of the com-*  
 62 *mittee shall constitute a quorum, and the concurrence of a majority*  
 63 *in any matter within their duties shall be required for its determi-*  
 64 *nation. The chairman and members of the committee, not otherwise*  
 65 *in the employ of the state, or any political subdivision, shall receive*  
 66 *[twenty] thirty dollars per diem as compensation for their services*  
 67 *in the discharge of their duties as members of the committee. The*  
 68 *committee shall determine the number of days for which any com-*  
 69 *mittee member may draw per diem compensation, but the total num-*  
 70 *ber of days for which per diem compensation is allowed for the*  
 71 *entire committee shall not exceed [two] three hundred fifty days*  
 72 *per year. They shall also be entitled to expenses, including travel-*  
 73 *ing expenses, necessarily incurred in the discharge of their duties*  
 74 *as members of such committee. The committee shall provide for*  
 75 *the execution of surety bonds for all employees and officers who*  
 76 *shall be entrusted with funds or property, shall provide for the*  
 77 *keeping of a full and accurate record of all proceedings and of all*  
 78 *resolutions, regulations, and orders issued or adopted, and shall pro-*  
 79 *vide for an annual audit of the accounts of receipts and disburse-*  
 80 *ments.*

1 SEC. 28. Section four hundred sixty-seven A point seven  
 2 (467A.7), Code 1971, is amended by adding the following new sub-  
 3 section:

4 To take notice of the district plan, and conform to the duly pro-  
 5 mulgated rules and regulations, of the conservancy district or dis-  
 6 tricts in which the soil conservation district is located; provided  
 7 that this subsection shall not be construed to grant any authority  
 8 not otherwise granted by law to the commissioners of soil conserva-  
 9 tion districts.

1 SEC. 29. Chapter four hundred sixty-seven A (467A), Code  
 2 1971, is amended by adding the following new section:

3 In addition to the definitions established by section four hundred  
 4 sixty-seven A point three (467A.3), as used in sections thirty (30)  
 5 through forty (40) of this Act, unless the context otherwise re-  
 6 quires:

7 1. "Soil loss limit" means the maximum amount of soil loss due  
 8 to erosion by water or wind, expressed in terms of tons per acre  
 9 per year, which the commissioners of the respective soil conservation  
 10 districts shall determine is acceptable in order to meet the objectives  
 11 expressed in section one (1) of this Act.

12 2. "Soil and water conservation practices" means any of the  
 13 practices designated in or pursuant to this subsection which serve  
 14 to prevent erosion of soil by wind or water, in excess of applicable  
 15 soil loss limits, from land used for agricultural or horticultural  
 16 purposes only.

17 a. "Permanent soil and water conservation practices" means  
 18 planting of perennial grasses, legumes, shrubs, or trees, the estab-

19 lishment of grassed waterways, and the construction of terraces, or  
20 other permanent soil and water practices approved by the state soil  
21 conservation committee.

22 b. "Temporary soil and water conservation practices" means  
23 planting of annual or biennial crops, use of strip-cropping, contour  
24 planting, minimum or mulch tillage, and any other cultural practices  
25 approved by the state soil conservation committee.

26 3. "Erosion control practices" means:

27 a. The construction or installation, and maintenance, of such  
28 structures or devices as are necessary to carry to a suitable outlet  
29 from the site of any building housing four or more residential units,  
30 any commercial or industrial development or any publicly or pri-  
31 vately owned recreational or service facility of any kind, not served  
32 by a central storm sewer system, any water which:

33 (1) would otherwise cause erosion in excess of the applicable  
34 soil loss limit; and

35 (2) does not carry nor constitute sewage, industrial waste, or  
36 other waste as defined by section four hundred fifty-five B point two  
37 (455B.2).

38 b. The employment of temporary devices or structures, tempo-  
39 rary seeding, fibre mats, plastic, straw, or other measures adequate  
40 to prevent erosion in excess of the applicable soil loss limits from the  
41 site of, or land directly affected by, the construction of any public or  
42 private street, road or highway, any residential, commercial, or in-  
43 dustrial building or development, or any publicly or privately owned  
44 recreational or service facility of any kind, at all times prior to com-  
45 pletion of such construction.

46 c. The establishment and maintenance of vegetation upon the  
47 right-of-way of any completed portion of any public street, road, or  
48 highway, or the construction or installation thereon of structures  
49 or devices, or other measures adequate to prevent erosion from the  
50 right-of-way in excess of the applicable soil loss limits.

1 SEC. 30. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 To conserve the fertility, general usefulness, and value of the soil  
4 and soil resources of this state, and to prevent the injurious effects  
5 of soil erosion, it is hereby made the duty of the owners of real  
6 property in this state to establish and maintain soil and water con-  
7 servation practices or erosion control practices, as required by the  
8 regulations of the commissioners of the respective soil conserva-  
9 tion districts.

1 SEC. 31. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 The commissioners of each soil conservation district shall, with  
4 approval of the state soil conservation committee, adopt, amend, and  
5 repeal such reasonable regulations as are deemed necessary to estab-  
6 lish a soil loss limit or limits for the district and provide for the  
7 implementation of the limit or limits, and may subsequently amend  
8 or repeal their regulations as they deem necessary. The commission-  
9 ers may:

10 1. Classify land in the district on the basis of topography, soil  
11 characteristics, current use, and other factors affecting propensity to

12 soil erosion.

13 2. Establish different soil loss limits for different classes of land  
14 in the district if in their judgment and that of the state soil con-  
15 servation committee a lower soil loss limit should be applied to  
16 some land than can reasonably be applied to other land in the dis-  
17 trict, it being the intent of the general assembly that no land in the  
18 state be assigned a soil loss limit that cannot reasonably be applied  
19 to such land.

20 3. Require the owners of real property in the district to employ  
21 either soil and water conservation practices or erosion control prac-  
22 tices, but may not specify the particular practices to be employed so  
23 long as such owners voluntarily comply with the applicable soil loss  
24 limit or with an administrative order to bring erosion from land  
25 under their control with the applicable soil loss limit, and in no case  
26 may the commissioners require:

27 a. The employment of erosion control practices as defined in Sec-  
28 tion 29, subsection 3, of this Act on land used in good faith for agri-  
29 cultural or horticultural purposes only.

30 b. The employment of soil and water conservation practices or  
31 erosion control practices on that portion of any public street, road  
32 or highway completed or under construction within the corporate  
33 limits of any city or town, which is or will become the travelled or  
34 surfaced portion of such street, road, or highway.

35 c. That any owner or operator of agricultural land refrain from  
36 fall plowing of land on which he intends to raise a crop during the  
37 next succeeding growing season, however on those lands which are  
38 prone to excessive wind erosion the commissioners may require that  
39 reasonable temporary measures be taken to minimize the likelihood  
40 of wind erosion so long as such measures do not unduly increase the  
41 cost of operation of the farm on which the land is located. However,  
42 fall plowing of soil which is commonly known as gumbo shall always  
43 be permitted.

1 SEC. 32. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 Regulations which the commissioners propose to adopt, amend,  
4 or repeal shall be submitted to the state soil conservation committee,  
5 in such form as the committee shall prescribe, for its approval. The  
6 committee may approve the regulations as submitted, or with such  
7 amendments as it deems necessary. The commissioners shall there-  
8 after publish the proposed regulations, as approved, in a news-  
9 paper of general circulation in the district, together with a notice  
10 of a date and time not less than ten nor more than thirty days  
11 after such publication when a hearing on the proposed regulations  
12 will be held at a specified place.

1 SEC. 33. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 At the hearing, the commissioners or their designees shall explain,  
4 in reasonable detail, the reasons why adoption, amendment, or re-  
5 peal of the regulations is deemed necessary or advisable. Any land-  
6 owner, or any occupant of land who would be affected by the regu-  
7 lations, shall be afforded an opportunity to be heard for or against  
8 the proposed regulations. At the conclusion of the hearing, the

9 commissioners shall announce and enter of record their decision  
10 whether to adopt or modify the proposed regulations. Any modi-  
11 fication must be approved by the state soil conservation committee,  
12 which may at its discretion order the commissioners to republish the  
13 regulations and hold another hearing in the manner prescribed by  
14 this Act.

1 SEC. 34. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 The commissioners of any soil conservation district shall inspect  
4 or cause to be inspected any land within the district, upon receipt  
5 of a written and signed complaint that soil erosion is occurring  
6 thereon in excess of the limits established by the district's soil ero-  
7 sion control regulations. If they find that such excess soil erosion  
8 is so occurring on the land inspected, they shall issue an adminis-  
9 trative order to the landowner or landowners of record, and to the  
10 occupant of the land if known to the commissioners, describing  
11 said land and stating as nearly as possible the extent to which soil  
12 erosion thereon exceeds the limits established by the district's regu-  
13 lations. The order shall be delivered either by personal service or  
14 by restricted certified mail to each of the persons to whom it is  
15 directed, and shall:

16 1. In the case of erosion occurring on the site of any construction  
17 project or similar undertaking involving the removal of all or a  
18 major portion of the vegetation or other natural or man-made  
19 cover, exposing bare soil directly to water or wind, state a time not  
20 more than five days after service or mailing of the notice of the  
21 order when work necessary to establish or maintain erosion control  
22 practices must be commenced, and a time not more than thirty days  
23 after service or mailing of the notice of the order when the work is  
24 to be satisfactorily completed.

25 2. In all other cases, state a time not more than six months after  
26 service or mailing of the notice of the order, by which work needed  
27 to establish or maintain the necessary soil and water conservation  
28 practices or erosion control measures must be commenced, and a  
29 time not more than one year after the service or mailing of the  
30 notice of the order when the work is to be satisfactorily completed,  
31 unless the requirements of the order are superseded by the pro-  
32 visions of section thirty-five (35) of this Act.

1 Sec. 35. Chapter four hundred sixty-seven A (467A), Code  
2 1971, is amended by adding the following new section:

3 No owner or occupant of land in this state shall be required to  
4 establish any new permanent or temporary soil and water conser-  
5 vation practice unless public cost-sharing funds have been specifi-  
6 cally approved for such land and actually made available to the  
7 owner or occupant in an amount equal to at least seventy-five per-  
8 cent of the cost of any permanent soil and water conservation prac-  
9 tice, or an amount set by the state soil conservation committee for  
10 any temporary soil and water conservation practice. The state soil  
11 conservation committee shall review these requirements at least  
12 once each year, and may authorize soil conservation district com-  
13 missioners to make the mandatory establishment of any specified  
14 soil and water conservation practice in any particular case condi-

15 tional on a higher proportion of public cost-sharing than is required  
16 by this section. When the commissioners have been so authorized,  
17 they shall, in determining the amount of cost-sharing for establish-  
18 ment of a specified soil and water conservation practice to comply  
19 with an administrative order issued pursuant to section thirty-four  
20 (34) of this Act, consider the extent to which the practice will con-  
21 tribute benefits to the public in relation to the benefits that will  
22 accrue to the individual owner or occupant of the land on which  
23 the practice is to be established. Evidence that an application for  
24 public cost-sharing funds, from a source or sources having authority  
25 to pay a portion of the cost of work needed to comply with an ad-  
26 ministrative order issued pursuant to section thirty-four (34) of  
27 this Act, has been submitted to the proper officer or agency shall  
28 constitute commencement of such work within the meaning of sec-  
29 tions thirty (30) through forty (40) of this Act. Upon receiving  
30 evidence of the submission of such application, the commissioners  
31 shall forward to the officer or agency to which the application was  
32 made a written request to receive notification of the disposition of  
33 such application. When notified of the approval of such application,  
34 the commissioners shall issue to the same parties who received the  
35 original administrative order, or their successors in interest, a  
36 supplementary order, to be delivered in the same manner as pro-  
37 vided by sections thirty (30) through forty (40) of this Act for  
38 delivery of original administrative orders. The supplementary  
39 order shall state a time, not more than six months after approval of  
40 the application for public cost-sharing funds, by which the work  
41 needed to comply with the original administrative order shall actu-  
42 ally be commenced, and a time not more than one year thereafter  
43 when such work is to be satisfactorily completed.

1 SEC. 36. Chapter four hundred sixty-seven A (467A), Code  
2 1971, is amended by adding the following new section:

3 The commissioners shall petition the district court for a court  
4 order requiring immediate compliance with an administrative order  
5 previously issued by the commissioners as provided in section thirty-  
6 four (34) of this Act, if:

7 1. The work necessary to comply with the administrative order is  
8 not commenced on or before the date specified in such order, or in  
9 any supplementary order subsequently issued as provided in sec-  
10 tion thirty-five (35) of this Act, unless in the judgment of the  
11 commissioners the failure to commence or complete the work as  
12 required by the administrative order is due to factors beyond the  
13 control of the person or persons to whom such order is directed and  
14 the person or persons can be relied upon to commence and complete  
15 the necessary work at the earliest possible time.

16 2. Such work is not being performed with due diligence, or is not  
17 satisfactorily completed by the date specified in the administrative  
18 order, or when completed does not reduce soil erosion from such  
19 land below the limits established by the soil conservation district's  
20 regulations.

21 3. The person or persons to whom the administrative order is  
22 directed advise the commissioners that they do not intend to com-  
23 mence or complete such work.



1 SEC. 37. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 In any action brought under section thirty-six (36) of this Act,  
4 the burden of proof shall be upon the commissioners to show that  
5 soil erosion is in fact occurring in excess of the applicable soil  
6 loss limits and that the defendant has not established or maintained  
7 soil and water conservation practices or erosion control practices  
8 in compliance with the soil conservation district's regulations. With  
9 respect to construction, repair, or maintenance of any public street,  
10 road, or highway, evidence that soil erosion control standards equiva-  
11 lent to or in excess of those currently imposed by the United States  
12 government on the project or like projects involving use of federal  
13 funds shall create a presumption of compliance with the applicable  
14 soil loss limit. Upon receiving satisfactory proof, the court shall  
15 issue an order directing the landowner or landowners to comply  
16 with the administrative order previously issued by the commis-  
17 sioners. The court may modify such administrative order if deemed  
18 necessary. Notice of the court order shall be given either by per-  
19 sonal service or by restricted certified mail to each of the persons  
20 to whom the order is directed, who may within thirty days from  
21 the date of the court order appeal to the supreme court. Any per-  
22 son who fails to comply with a court order issued pursuant to this  
23 section within the time specified in such order, unless the order has  
24 been stayed pending an appeal, shall be deemed in contempt of  
25 court and may be punished accordingly.

1 SEC. 38. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 The commissioners and their authorized agents or employees shall  
4 have authority to enter upon any land in the district without the  
5 consent of the landowner or person in possession or control of the  
6 land, by the procedures and subject to the limitations prescribed in  
7 section twenty-four (24) of this Act, when necessary in order to  
8 properly discharge their duties under this Act.

1 SEC. 39. Chapter four hundred sixty-seven A (467A), Code 1971,  
2 is amended by adding the following new section:

3 When the board of any conservancy district informs the commis-  
4 sioners of a soil conservation district that the conservancy district  
5 is unable to proceed with construction of a planned internal im-  
6 provement, because it has been found that the internal improve-  
7 ment would not be adequately protected against siltation due en-  
8 tirely or partially to failure to establish or maintain soil and water  
9 conservation practices or erosion control practices within the soil  
10 conservation district, the commissioners of the soil conservation  
11 district shall determine as far as possible the particular lands where  
12 soil erosion which prevents the conservancy district from construct-  
13 ing the internal improvement is occurring and proceed in the same  
14 manner as when a complaint is received under section thirty-four  
15 (34) of this Act. If after six months, the commissioners of the soil  
16 conservation district fail or refuse to control the soil erosion which  
17 prevents the conservancy district from constructing the internal im-  
18 provement, the conservancy district directors may petition the dis-  
19 trict court of the county in which such soil conservation district is

20 located for a court order directing the commissioners to proceed  
 21 at once to control such erosion. The court shall afford the commis-  
 22 sioners or their representative an opportunity to appear and show  
 23 cause why such order should not be issued.

1 SEC. 40. Chapter four hundred sixty-seven A (467A), Code 1971.  
 2 is amended by adding the following new section:

3 Soil conservation districts are hereby authorized to enter into  
 4 agreements with the federal government or any agency thereof, as  
 5 provided by state law, or with the state of Iowa or any agency  
 6 thereof, any other soil conservation district or conservancy district,  
 7 or other political subdivision of this state, for cooperation in pre-  
 8 venting, controlling, or attempting to prevent or control, soil erosion.  
 9 Soil conservation districts may accept, as provided by state law, any  
 10 money disbursed for soil erosion control purposes by the federal gov-  
 11 ernment or any agency thereof, and expend such money for the pur-  
 12 poses for which it was received.

1 SEC. 41. Section four hundred sixty-seven B point one (467B.1),  
 2 Code 1971, is amended as follows:

3 **467B.1 Authority of board.** Whenever any county, soil conserva-  
 4 tion district, subdistrict of a soil conservation district, *conservancy*  
 5 *district*, political subdivision of the state, or other local agency shall  
 6 engage or participate in any project for flood or erosion control,  
 7 flood prevention, or the conservation, development, utilization, and  
 8 disposal of water, in co-operation with the federal government, or  
 9 any department or agency thereof, the counties in which said project  
 10 shall be carried on shall have the jurisdiction, power, and au-  
 11 thority through the board of supervisors to construct, operate and  
 12 maintain said project on lands under the control or jurisdiction of  
 13 the county whenever dedicated to county use, or to furnish finan-  
 14 cial and other assistance in connection with said projects. Such  
 15 flood, soil erosion control, and watershed improvement projects shall  
 16 be presumed to be for the protection of the tax base of the county,  
 17 for the protection of public roads and lands, and for the protection  
 18 of the public health, sanitation, safety, and general welfare.

1 SEC. 42. Section four hundred sixty-seven B point two (467B.2),  
 2 Code 1971, is amended as follows:

3 **467B.2 Federal aid.** Any county may, in accordance with provi-  
 4 sions of this chapter, accept federal funds for aid in any project for  
 5 flood, or soil erosion control, flood prevention, or the conservation,  
 6 development, utilization, and disposal of water, and may co-operate  
 7 with the federal government or any department or agency thereof,  
 8 soil conservation districts, subdistricts of a soil conservation district,  
 9 *conservancy district*, political subdivision of the state, or other local  
 10 agency, and the county may assume such proportion of the cost of the  
 11 project as deemed appropriate, and may assume the maintenance  
 12 cost of the same on lands under the control or jurisdiction of the  
 13 county as will not be discharged by federal aid or grant.

1 SEC. 43. Section four hundred sixty-seven B point three  
 2 (467B.3), Code 1971, is amended as follows:

3 **467B.3 Co-operation.** The counties and soil conservation dis-  
 4 tricts, subdistricts of soil conservation districts concerned, *and con-*

5 *servancy districts* shall advise and consult with each other, upon  
 6 the request of [either party] *any of them* or of any affected land-  
 7 owners, and shall be authorized to co-operate with each other or  
 8 with other state subdivisions, or instrumentalities, and affected land-  
 9 owners, as well as with the federal government or any department  
 10 or agency thereof, to construct, operate, and maintain suitable proj-  
 11 ects for flood or soil erosion control, flood prevention, or the con-  
 12 servation, development, utilization, and disposal of water on public  
 13 roads or other public lands or other land granted county use.

1 SEC. 44. Section four hundred sixty-seven B point five (467B.5),  
 2 Code 1971, is amended as follows:

3 **467B.5 Maintenance cost.** Where construction of projects has  
 4 been completed by the soil conservation district, subdistricts of soil  
 5 conservation districts, *conservancy districts*, political subdivisions of  
 6 the state, or other local agencies, or the federal government, or any  
 7 department or agency thereof on private lands under the easement  
 8 granted to the county, only the cost of maintenance may be as-  
 9 sumed by the county.

1 SEC. 45. Section four hundred sixty-seven B point ten (467B.10),  
 2 Code 1971, is amended as follows:

3 **467B.10 Assumption of obligations.** This chapter contemplates  
 4 that actual direction of the project, or projects, and the actual work  
 5 done in connection therewith, will be assumed by the soil conserva-  
 6 tion district, subdistrict of a soil conservation district, *conservancy*  
 7 *district*, or by the federal government and that the county or other  
 8 state subdivisions or instrumentalities jointly will meet the obliga-  
 9 tion required for federal co-operation and may make proper com-  
 10 mitment for the care and maintenance of the project after its com-  
 11 pletion for the general welfare of the public and residents of the  
 12 respective counties.

1 SEC. 46. This Act shall take precedence over any other statute  
 2 of this state found in conflict herewith.

Approved May 28, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 228

### WATER POWER USE BY CONDEMNATION REPEALED

H. F. 26

AN ACT relating to the use of eminent domain for the development or utilization of water or water power for manufacturing, power, industrial and recreational purposes.

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

1 SECTION 1. Sections four hundred sixty-nine point seventeen  
 2 (469.17), four hundred sixty-nine point eighteen (469.18), four hun-  
 3 dred sixty-nine point nineteen (469.19), four hundred sixty-nine point  
 4 twenty (469.20), four hundred sixty-nine point twenty-one (469.21),  
 5 and four hundred sixty-nine point twenty-two (469.22), Code 1971,  
 6 are repealed.

Approved May 5, 1971.

## CHAPTER 229

## FLOOD AND EROSION CONTROL

S. F. 518

AN ACT relating to the condemnation of property by the county for flood and erosion control projects.

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

1 SECTION 1. Section four hundred seventy-one point four (471.4),  
 2 subsection one (1), Code 1971, is amended as follows:  
 3 1. Counties. Upon all counties for such lands as are reasonable and  
 4 necessary for the erection of courthouses or jails or any other build-  
 5 ings or additions to buildings which the county has statutory power  
 6 to erect, construct or make additions, *for projects provided for in*  
 7 *chapter four hundred sixty-seven B (467B) of the Code*, and the con-  
 8 struction, improvement or maintenance of highways, and for the  
 9 carrying out of plans for the acquisition of land advanced by a county  
 10 conservation board, and approved by the state conservation commis-  
 11 sion as provided in section 111A.4; providing further, it would not  
 12 completely prevent development of the conservation project, this  
 13 authority shall not apply to any improved private property used as a  
 14 residence or living quarters for a period of one year, not to exceed two  
 15 acres, or if jointly owned, not to exceed two acres per residential unit,  
 16 unless subsequently abandoned for use for such purposes. Temporary  
 17 unoccupancy shall not be construed as abandonment. Wherever the  
 18 county has the right to take private property for public use, it also  
 19 has the right to contract for options for the purchase of said land.

Approved June 7, 1971.

## CHAPTER 230†

## LAND DESCRIPTION AFTER CONDEMNATION

H. F. 25

AN ACT relating to a description of land remaining after condemnation or purchase in lieu of condemnation.

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

1 SECTION 1. Section four hundred seventy-one point twenty  
 2 (471.20), Code 1971, is amended as follows:  
 3 471.20 **Description of land furnished.** Whenever any person,  
 4 state department, or political subdivision takes title to land in fee  
 5 simple for a public use by condemnation or by purchase in lieu of  
 6 condemnation, the purchaser shall furnish to the owner of the land  
 7 a legal description of the part taken and a legal description of the  
 8 remainder which is compatible with the existing abstract description  
 9 of the entire tract of land. For the purposes of this section a center  
 10 line description is compatible only when it contains reference points  
 11 which are a part of and tied to the abstract description.

Approved April 1, 1971.

†See Editor's note, page iii.

## CHAPTER 231†

## EMINENT DOMAIN COMPENSATION COMMISSIONERS

## H. F. 13

AN ACT relating to the selection of the compensation commissioners.

*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 1971, is amended as follows:

3 472.4 **Commission to assess damages.** Annually the board of  
4 supervisors of a county shall appoint not less than twenty-eight resi-  
5 dents of the county and the names of such persons shall be placed on  
6 a list and they shall be eligible to serve as members of a compensation  
7 commission. One-fourth of the persons appointed shall be owner-  
8 operators of agricultural property, one-fourth of the persons appointed  
9 shall be owners of city or town property, one-fourth shall be licensed  
10 real estate salesmen or real estate brokers, and one-fourth shall be  
11 persons having knowledge of property values in the county by reason  
12 of their occupation, such as bankers, auctioneers, property managers,  
13 property appraisers, and persons responsible for making loans on  
14 property.

15 The chief judge of the judicial district shall select by lot six persons  
16 from the list, two persons who are owner-operators of agricultural  
17 property when the property to be condemned is agricultural property;  
18 two persons who are owners of city or town property when the prop-  
19 erty to be condemned is other than agricultural property; and two  
20 persons from each of the remaining two representative groups, who  
21 shall constitute a compensation commission to assess the damages to  
22 all property to be taken by the applicant and located in the county,  
23 and shall name a chairman from the persons selected. No member of  
24 the compensation commission selected shall possess any interest in the  
25 proceeding which would cause such person to render a biased decision.

Approved March 5, 1971.

†See Editor's note, page iii.

## CHAPTER 232

## EMINENT DOMAIN APPRAISEMENT

## H. F. 215

AN ACT relating to notice of compensation commission appraisal of damages and appeal from the damages award.

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

1 SECTION 1. Section four hundred seventy-two point eighteen  
2 (472.18), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 472.18 **Notice of appraisal—appeal of award.** After the ap-  
5 praisal of damages has been delivered to the sheriff by the com-  
6 pensation commission, the sheriff shall give written notice, by ordi-

7 nary mail, to the condemnor and the condemnee of the date on which  
 8 the appraisal of damages was made, the amount of the appraise-  
 9 ment, and that any interested party may, within thirty days from the  
 10 date of mailing the notice of the appraisal of damages, appeal to  
 11 the district court. The sheriff shall endorse the date of mailing of  
 12 notice upon the original appraisal of damages. At the time of  
 13 appeal, the appellant shall give written notice that the appeal has been  
 14 taken to the adverse party, or his agent or attorney, lienholders, and  
 15 the sheriff.

Approved May 20, 1971.

## CHAPTER 233

### DISPOSSESSION UNDER CONDEMNATION

H. F. 347

AN ACT relating to the dispossession of a landowner under condemnation proceedings for highway purposes.

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

1 SECTION 1. Section four hundred seventy-two point twenty-six  
 2 (472.26), Code 1971, is amended as follows:

3 **472.26 Dispossession of owner.** A landowner shall not be dispos-  
 4 sessed, under condemnation proceedings, of his residence, dwelling  
 5 house, outhouse, orchard, or garden, until the damages thereto have  
 6 been finally determined and paid. *However, if the property described*  
 7 *in this section is condemned for highway purposes by the highway*  
 8 *commission, the condemning authority may take possession of the*  
 9 *property either after the damages have been finally determined and*  
 10 *paid or one hundred eighty days after the compensation commission*  
 11 *has determined and filed its award, in which event all of the appraise-*  
 12 *ment of damages shall be paid to the property owner before the dis-*  
 13 *possession can take place. This section shall not apply to condemna-*  
 14 *tion proceedings for drainage or levee improvements, or for public*  
 15 *school purposes. This Act shall be applicable to condemnation pro-*  
 16 *ceedings pending on the effective date of this Act; it being provided*  
 17 *that, as to such proceedings, unless damages have been finally deter-*  
 18 *mined and paid, the landowner shall not be dispossessed until one hun-*  
 19 *dred eighty days after the effective date of this Act.*

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 Cedar  
 3 Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and in  
 4 The Telegraph-Herald, a newspaper published in Dubuque, Iowa.

Approved June 11, 1971.

I hereby certify that the foregoing Act, House File 347, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, June 14, 1971, and in The Telegraph-Herald, Dubuque, Iowa, June 14, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 234†

## CONDEMNATION OF UTILITIES

H. F. 31

AN ACT relating to the condemnation of existing utility facilities by cities and towns.

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

1 SECTION 1. Chapter four hundred seventy-two (472), Code 1971,  
2 is amended by adding sections two (2) through seven (7), inclusive.

1 SEC. 2. **Special condemnation proceedings—limitation.** When any  
2 city or town has voted at an election to purchase, establish, erect,  
3 maintain, and operate heating plants, waterworks, gasworks, or  
4 electric light or power plants, or when it has voted to contract an  
5 indebtedness and issue bonds for such purposes, and in such city or  
6 town there exists any such utility, or incomplete parts thereof or more  
7 than one, not publicly owned, and the contract or franchise of the  
8 owner of the utility has expired or been surrendered, and the owner  
9 and the city or town cannot agree upon terms of purchase, it may, by  
10 resolution, proceed to acquire by condemnation any one or more of the  
11 utilities or incomplete parts thereof. When so acquired it may apply  
12 the proceeds of the bonds in payment therefor and in making exten-  
13 sions and improvements to such works or plants so acquired, but not  
14 more than one utility may be so acquired when the municipality is  
15 indebted in excess of the statutory limitation of indebtedness for such  
16 purposes for any such acquired property.

1 SEC. 3. **Court of condemnation.** Upon the passage of the resolu-  
2 tion as provided in section two (2) of this Act and the presentation  
3 of a certified copy thereof to the supreme court while in session,  
4 or to the chief justice of the supreme court, the court or chief justice  
5 shall within five days appoint as a court of condemnation three district  
6 court judges from three judicial districts, one of whom shall be from  
7 the district in which the city or town is located, if not a resident of the  
8 city or town, and shall enter an order requiring the judges to attend  
9 as such court of condemnation at the county seat of the county in  
10 which the city or town is located within ten days. The district court  
11 judges shall attend and constitute a court of condemnation.

1 SEC. 4. **Procedure.** Said court when it meets to organize or at any  
2 time during the proceedings, which may be adjourned from time to  
3 time for any purpose, may fix the time for the appearance of any per-  
4 son that any party desires to have joined in the proceedings, and whom  
5 the court deems necessary. The time for appearance shall be suffi-  
6 ciently remote to serve notice upon the parties, but if the time for  
7 appearance occurs after the proceedings are begun, the proceedings  
8 may be reviewed by the court to give all parties a full opportunity  
9 to be heard.

1 SEC. 5. **Notice—service.** Persons not voluntarily appearing, but  
2 having any right, title, or interest in or to the property which is the  
3 subject of condemnation, or any part thereof, including all lease-  
4 holders, mortgagees and trustees of bondholders, who are to be made  
5 parties to the proceedings shall be served with notice of the proceedings  
6 and the time and place of meeting of the court in the same manner

†See Editor's note, page iii.

7 and for the same length of time as for the service of original notice,  
 8 either by personal service, or by service by publication, the time so set  
 9 being the time at which the parties so served are required to appear,  
 10 and actual personal service of the notice within or without the state  
 11 shall supersede the necessity for publication.

1 **SEC. 6. Powers of court—duty of clerk—vacancy.** The court of  
 2 condemnation shall have power to summon and swear witnesses, take  
 3 evidence, order the taking of depositions, require the production of  
 4 any books or papers, and may appoint a shorthand reporter. It shall  
 5 perform all the duties of commissioners in the condemnation of prop-  
 6 erty. The duties and the method of procedure and condemnation, in-  
 7 cluding provisions for appeal shall be except as otherwise specifically  
 8 provided, as provided for the taking of private property for works of  
 9 internal improvement. The clerk of the district court of the county  
 10 where the city or town is located shall perform all of the duties re-  
 11 quired of the sheriff in the condemnation; and in case of a vacancy  
 12 in the court, the vacancy shall be filled in the manner in which the  
 13 original appointment was made. When necessary by reason of a  
 14 vacancy, the court may review any evidence in its record.

1 **SEC. 7. Costs—expenses.** The costs of the proceedings shall be  
 2 the same and paid in the same manner as in proceedings in the district  
 3 court, and the district court judges of the court of condemnation shall  
 4 receive, while engaged in such service, their actual expenses, which  
 5 expenses shall be taxed as costs in the case.

1 **SEC. 8.** Section three hundred eighty-six B point two (386B.2),  
 2 unnumbered paragraph two (2), Code 1971, is amended as follows:  
 3 Any municipal corporation shall have the right of eminent domain  
 4 to acquire private property necessary in connection with the establish-  
 5 ment or acquisition, enlargement, extension, improvement, operation  
 6 and maintenance of a transit system. In the event of the exercise of  
 7 eminent domain to acquire an existing transit system, the provisions  
 8 of section one (1) of this Act shall govern so far as applicable.

1 **SEC. 9.** Sections three hundred ninety-seven point twenty (397.20),  
 2 three hundred ninety-seven point twenty-one (397.21), three hundred  
 3 ninety-seven point twenty-two (397.22), three hundred ninety-seven  
 4 point twenty-three (397.23), three hundred ninety-seven point twenty-  
 5 four (397.24), and three hundred ninety-seven point twenty-five  
 6 (397.25), Code 1971, are repealed.

Approved April 1, 1971.

## CHAPTER 235

### SUBSEQUENT DAMAGES UNDER EMINENT DOMAIN

H. F. 29

AN ACT relating to the payment of subsequent damages to property owners.

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

1 **SECTION 1.** Chapter four hundred seventy-two (472), Code 1971,  
 2 is amended by adding the following new section:



3 **Renegotiation of damages.** Whenever property or an interest there-  
 4 in has been taken by condemnation or has been purchased for a public  
 5 use and a settlement for construction or maintenance damages has been  
 6 thereafter entered into pursuant to said condemnation or purchase,  
 7 the owner shall have five years from the date of said settlement to  
 8 renegotiate construction or maintenance damages not apparent at the  
 9 time of said settlement. The condemnor or purchaser shall give writ-  
 10 ten notice to the owner of such right of renegotiation at the time  
 11 said settlement is entered into.

Approved April 26, 1971.

## CHAPTER 236

### RAILWAY EMPLOYEES SANITATION AND SHELTER

H. F. 271

AN ACT to require that railway employees be provided adequate sanitation and shelter.

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

1 SECTION 1. Chapter four hundred seventy-seven (477), Code 1971,  
 2 is amended by adding the following new section:

3 "A railway company within the state shall provide adequate sanita-  
 4 tion and shelter for all railway employees. The Iowa bureau of labor  
 5 shall adopt rules and regulations in accordance with chapter seven-  
 6 teen A (17A) of the Code relating to requirements for adequate sani-  
 7 tation and shelter for railway employees."

1 SEC. 2. Section ninety-one point five (91.5), subsection one (1),  
 2 Code 1971, is amended as follows:

3 1. All laws relating to safety appliances and inspection thereof and  
 4 health conditions in manufacturing and mercantile establishments,  
 5 workshops, machine shops, and other industrial concerns within his  
 6 jurisdiction *and sanitation and shelter for railway employees.*

1 SEC. 3. Section ninety-one point nine (91.9), Code 1971, is  
 2 amended as follows:

3 **91.9 Right to enter premises.** The labor commissioner and the  
 4 inspectors shall have the power to enter any factory or mill, workshop,  
 5 mine, store, *railway facility, including locomotive or caboose*, business  
 6 house, public or private work, when the same is open or in operation,  
 7 for the purpose of gathering facts and statistics such as are contem-  
 8 plated by this chapter, and to examine into the methods of protection  
 9 from danger to employees, and the sanitary conditions in and around  
 10 such buildings and places, and make a record thereof.

1 SEC. 4. Section ninety-one point twelve (91.12), Code 1971, is  
 2 amended as follows:

3 **91.12 Reports to bureau.** It shall be the duty of every owner, oper-  
 4 ator, or manager of every factory, mill, workshop, mine, store, *railway*,  
 5 business house, public or private work, or any other establishment  
 6 where labor is employed, as herein provided, to make to the bureau,

7 upon blanks furnished by the commissioner, such reports and returns  
 8 as he may require for the purpose of compiling such labor statistics as  
 9 are contemplated in this chapter; and the owner, operator, or business  
 10 manager shall make such reports or returns within sixty days from  
 11 the receipt of blanks furnished by the commissioner, and shall certify  
 12 under oath to the correctness of the same.

1 SEC. 5. Section ninety-one point fifteen (91.15), Code 1971, is  
 2 amended as follows:

3 **91.15 Definition of terms.** The expressions "factory", "mill",  
 4 "workshop", "mine", "store", "railway", "business house", and "pub-  
 5 lic or private work", as used in this chapter, shall be construed to  
 6 mean any factory, mill, workshop, mine, store, *railway*, business  
 7 house, public or private work, where wage earners are employed for  
 8 a compensation.

1 SEC. 6. Section ninety-one point sixteen (91.16), subsection one  
 2 (1), Code 1971, is amended as follows:

3 1. Any owner, superintendent, manager, or person in charge of any  
 4 factory, mill, workshop, store, mine, hotel, restaurant, *cafe*, *railway*,  
 5 business house, public or private work, who shall refuse to allow the  
 6 commissioner of labor or any inspector or employee of the bureau of  
 7 labor to enter the same, or who shall hinder or deter him in collecting  
 8 information which it is his duty to collect shall be fined not exceeding  
 9 one hundred dollars or imprisoned in the county jail not exceeding  
 10 thirty days.

1 SEC. 7. Section ninety-one point sixteen (91.16), subsection four  
 2 (4), Code 1971, is amended as follows:

3 4. Any owner, operator, or manager of a factory, mill, workshop,  
 4 mine, store, *railway*, business house, public or private work, who shall  
 5 neglect or refuse for thirty days after receipt of notice from the com-  
 6 missioner to furnish any reports or returns he may require to enable  
 7 him to discharge his duties shall be fined not to exceed one hundred  
 8 dollars or imprisoned in the county jail not to exceed thirty days.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 237

### ELECTRIC UTILITY PROJECTS

H. F. 24

AN ACT to exempt certain electric utility projects from petition requirements.

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

1 SECTION 1. Section four hundred eighty-nine point three (489.3),  
 2 Code 1971, is amended as follows:

3 **489.3 Petition—requirements.**

4 1. [The petition] *All petitions* shall set forth:

5 [1]a. The name of the individual, company, or corporation asking  
 6 for the franchise.

7 [2]b. The principal office or place of business.

8 [3]c. The starting points, routes, and termini of the proposed lines,  
9 accompanied with a map or plat showing such details.

10 [4]d. A general description of the public or private lands, highways,  
11 and streams over, across, or along which any proposed line will pass.

12 [5]e. General specifications as to materials and manner of con-  
13 struction.

14 [6]f. The maximum voltage to be carried over each line.

15 [7]g. Whether or not the exercise of the right of eminent domain  
16 will be used and, if so, a specific reference to the lands described in  
17 subsection 1\*, paragraph "d" of this section which are sought to be  
18 subject thereto.

19 [8]h. An allegation that the proposed construction is necessary to  
20 serve a public use [and].

21 2. *Petitions for transmission lines carrying thirty-four point five*  
22 *kilovolts or more and extending a distance of not less than one mile*  
23 *across privately owned real estate shall also set forth an allegation*  
24 *that the proposed construction represents a reasonable relationship*  
25 *to an overall plan of transmitting electricity in the public interest*  
26 *and substantiation of such allegations, including but not limited to,*  
27 *a showing of the following:*

28 a. The relationship of the proposed project to present and future  
29 economic development of the area.

30 b. The relationship of the proposed project to comprehensive elec-  
31 tric utility planning.

32 c. The relationship of the proposed project to the needs of the pub-  
33 lic presently served and future projections based on population trends.

34 d. The relationship of the proposed project to the existing electric  
35 utility system and parallel existing utility routes.

36 e. The relationship of the proposed project to any other power sys-  
37 tem planned for the future.

38 f. The possible use of alternative routes and methods of supply.

39 g. The relationship of the proposed project to the present and future  
40 land use and zoning ordinances.

41 h. The inconvenience or undue injury which may result to property  
42 owners as a result of the proposed project.

43 The commission may waive the proof required for such allegations  
44 which are not applicable to a particular proposed project.

45 [9. An] *The petition shall contain an affidavit stating that informa-*  
46 *tional meetings were held in each county which the proposed project*  
47 *will affect and the time and place of each meeting.*

1 SEC. 2. Section four hundred eighty-nine point thirty-one  
2 (489.31), Code 1971, is amended as follows:

3 489.31 **Temporary permits for lines less than one mile.** Notwith-  
4 standing the provisions of section 489.1 any person, company or cor-  
5 poration proposing to construct an electric transmission line not  
6 exceeding one mile in length and which does not involve the taking  
7 of property under the right of eminent domain may obtain a tempo-  
8 rary construction permit from the state commerce commission by  
9 proceeding in the manner hereinafter set forth. Said person, com-  
10 pany or corporation shall first file with the state commerce commis-  
11 sion a verified petition setting forth [all] the requirements of section  
12 489.3, *subsection one (1), paragraphs "a" through "h", inclusive, with*

\*According to enrolled Act

13 the further allegation that the petitioner is the nearest electric utility  
14 to the proposed point of service.

15 The petition shall also state that the filing thereof constitutes an  
16 application for a temporary construction permit and shall also have  
17 endorsed thereon the approval of the appropriate highway authority  
18 or railroad concerned if such line is to be constructed over, across or  
19 along a public highway or railroad.

20 Upon receipt of such petition the commission shall consider same  
21 and may grant a temporary construction permit in whole or in part  
22 or upon such terms, conditions and restrictions, and with such modi-  
23 fications as to location as may seem to it just and proper, however,  
24 no finding of public use will be made at the time of the issuance of  
25 the permit, such finding to be made, if substantiated by petitioner, at  
26 the subsequent consideration of the propriety of granting a franchise  
27 for the line subject to the permit. The signature of one commissioner  
28 on such permit shall be sufficient. The issuance of such permit shall  
29 constitute temporary authority for the permit holder to construct the  
30 line for which the permit is granted.

31 Upon the granting of such temporary construction permit the com-  
32 mission shall cause the publication of notice required by section 489.5  
33 and all other requirements shall be complied with as in the manner  
34 provided for the granting of a franchise. If a hearing is required  
35 then the petitioner shall make a sufficient and proper showing thereat  
36 before a franchise will be issued for the line. Any franchise issued  
37 will be subject to all applicable provisions of this chapter.

38 Notwithstanding anything foregoing, if the commission shall deter-  
39 mine that a franchise should not be granted, or that further restric-  
40 tions, conditions or modifications are required, or if the petitioner  
41 shall fail to make a sufficient and proper showing of the necessity for  
42 the granting of a franchise within six months of the granting of the  
43 temporary construction permit, the permit issued hereunder shall be-  
44 come null and void and the permit holder may be required to take such  
45 action deemed necessary by the commission to remove, modify or re-  
46 locate the construction undertaken by virtue of the temporary permit  
47 issued hereunder.

Approved May 5, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 238†

### ELECTRIC TRANSMISSION LINES

#### H. F. 32

AN ACT to remove references to the granting of a franchise to an electric utility company by the county board of supervisors.

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

1 SECTION 1. Section four hundred eighty-nine point six (489.6),  
2 Code 1971, is amended as follows:  
3 489.6 Taking under eminent domain. Upon the filing of such

†See Editor's note, page iii.

4 objections or when a petition involves the taking of property under  
 5 the right of eminent domain the commission shall set the matter for  
 6 hearing and fix a time and place therefor. Said hearing shall be not  
 7 less than thirty days from the date of last publication and at the  
 8 offices of the commission before which said matter is pending, unless  
 9 a different place is specified in the notice thereof. Written notice of  
 10 the time and place of such hearing shall be served by the commission,  
 11 by ordinary mail, on the applicant, and those having filed objections.  
 12 If no objections are filed as hereinbefore provided and the petition  
 13 does not involve the taking of property under the right of eminent  
 14 domain the commission may grant a franchise without hearing there-  
 15 on, however, nothing herein shall be construed as prohibiting the  
 16 commission from conducting a hearing if it deems it necessary.

17 Where a petition seeks the use of the right of eminent domain over  
 18 specific parcels of real property, the commission shall prescribe the  
 19 notice to be served upon the owners of record and parties in posses-  
 20 sion of said property over which the use of the right of eminent  
 21 domain is sought.

22 When the commission grants a franchise to any person, company,  
 23 or corporation for the construction, erection, maintenance, and opera-  
 24 tion of transmission lines, wires, and cables for the transmission of  
 25 electricity, such person, company, or corporation shall be vested with  
 26 the power of condemnation to such extent as the commission may  
 27 approve and find necessary for public use.

Approved February 19, 1971.

## CHAPTER 239

### PIPE LINES DEFINED

#### H. F. 23

AN ACT relating to the definition of pipeline and pipeline company.

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

1 SECTION 1. Section four hundred ninety point one (490.1), Code  
 2 1971, is amended as follows:

3 490.1 **Purpose and policy.** It is hereby declared to be the purpose  
 4 and policy of the legislature in enacting this law to confer upon the  
 5 commerce commission the power and authority to supervise the trans-  
 6 portation or transmission of [gas, gasoline, oils or motor fuels and/  
 7 or inflammable fluid] *any solid, liquid, or gaseous substance, except*  
 8 *water*, within or through this state by [pipe line] *pipeline*, whether  
 9 specifically mentioned herein or not, and the power and authority to  
 10 supervise the underground storage of gas, so as to protect the safety  
 11 and welfare of the public in [their] *its* use of any public [and/or] *or*  
 12 private highways, grounds, waters and streams of any kind in this  
 13 state.

1 SEC. 2. Section four hundred ninety point two (490.2), Code 1971,  
 2 is amended as follows:

3 490.2 **Definitions.** The term ["pipe line"] "*pipeline*" insofar as

4 this chapter is concerned shall include and mean any pipe, pipes or  
 5 [pipe lines] *pipelines* used for the transportation or transmission of  
 6 [gas, gasoline, oils or motor fuels and/or inflammable fluids] *any*  
 7 *solid, liquid, or gaseous substance, except water*, within or through  
 8 this state.

9 The term ["pipe line"] "*pipeline* company", insofar as this chapter  
 10 is concerned shall include and mean any person, firm, copartnership,  
 11 association, corporation or syndicate engaged in or organized for the  
 12 purpose of owning, operating, or controlling [pipe lines] *pipelines*  
 13 for the transportation or transmission of [gas, gasoline, oils or motor  
 14 fuels and/or inflammable fluids] *any solid, liquid, or gaseous sub-*  
 15 *stance, except water*, within or through this state.

16 The term "commission" when used in this chapter means the state  
 17 commerce commission.

18 The term "underground storage" insofar as this chapter is con-  
 19 cerned shall include and mean storage of gas in a subsurface stratum  
 20 or formation of the earth.

1 SEC. 3. Section four hundred ninety point five (490.5), unnum-  
 2 bered paragraph five (5), Code 1971, is amended as follows:

3 The person, company, or corporation seeking the permit shall give  
 4 notice of the informational meeting to each person, company, or cor-  
 5 poration determined to be the landowner affected by the proposed  
 6 project and any person, company or corporation in possession of or  
 7 residing on the property. For the purposes of this section, "land-  
 8 owner" means a person, company, or corporation listed on the tax  
 9 assessment rolls as responsible for the payment of real estate taxes  
 10 imposed on the property and ["pipe line"] "*pipeline*" means any line  
 11 transporting [gas, gasoline, oils, motor fuels, or inflammable fluids]  
 12 *any solid, liquid, or gaseous substance, except water*, under pressure  
 13 in excess of one hundred fifty pounds per square inch and extending  
 14 a distance of not less than five miles or future anticipated extension  
 15 of an overall distance of five miles.

1 SEC. 4. Section four hundred ninety point six (490.6), subsection  
 2 six (6), Code 1971, is amended as follows:

3 6. The maximum and normal operating pressure under which it  
 4 is proposed to transport [gas, gasoline, oils, or motor fuels and/or  
 5 inflammable fluids] *any solid, liquid, or gaseous substance, except*  
 6 *water*.

Approved May 28, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 240

### ORGANIZATION OF CORPORATIONS

S. F. 312

AN ACT relating to the organization of corporations.

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

1 SECTION 1. Section four hundred ninety-one point one (491.1),  
 2 Code 1971, is amended as follows:

3 491.1 Who may incorporate. Any number of persons may become

4 incorporated *under this chapter prior to July 1, 1971*, for the transac-  
 5 tion of any lawful business, but such incorporation confers no power  
 6 or privilege not possessed by natural persons, except as hereinafter  
 7 provided. *After July 1, 1971, all domestic corporations shall be organ-*  
 8 *ized under chapter 496A only, except for corporations which are to be-*  
 9 *come subject to the provisions of one or more of the following chap-*  
 10 *ters: 174, 176, 482, 499, 499A, 504A, 506, 508, 510, 512, 514, 515,*  
 11 *515A, 518, 518A, 519, 524, 533, and 534.*

Approved April 26, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 241

### NONPROFIT CORPORATIONS

S. F. 348

AN ACT relating to nonprofit corporations.

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

1 SECTION 1. This Act shall apply to every corporation organized  
 2 under chapters five hundred four (504) or five hundred four A  
 3 (504A) of the Code, which corporation is deemed to be a private  
 4 thousand nine hundred forty-one (d) [4941(d)]\* of the Internal  
 5 Internal Revenue Code of 1954, which is incorporated in the state  
 6 of Iowa after December 31, 1969, and as to any such corporation  
 7 organized in this state before January 1, 1970, it shall apply only for  
 8 its federal taxable years beginning on or after January 1, 1972.

1 SEC. 2. The articles of incorporation of every such corporation  
 2 shall be deemed to contain provisions forbidding the corporation to:

3 1. Engage in any act of self-dealing, as defined in section four  
 4 thousand nine hundred forty-one (d) [4941(d)] of the Internal  
 5 Revenue Code of 1954, which would give rise to any liability for the  
 6 tax imposed by section four thousand nine hundred forty-one (a)  
 7 [4941(a)] of the Internal Revenue Code of 1954;

8 2. Retain any excess business holdings, as defined in section four  
 9 thousand nine hundred forty-three (c) [4943(c)] of the Internal  
 10 Revenue Code of 1954, which would give rise to any liability for the  
 11 tax imposed by section four thousand nine hundred forty-three (a)  
 12 [4943(a)] of the Internal Revenue Code of 1954;

13 3. Make any investment which would jeopardize the carrying out  
 14 of any of its exempt purposes, within the meaning of section four  
 15 thousand nine hundred forty-four (4944) of the Internal Revenue  
 16 Code of 1954, so as to give rise to any liability for the tax imposed  
 17 by section four thousand nine hundred forty-four (a) [4944(a)] of  
 18 the Internal Revenue Code of 1954; and

19 4. Make any taxable expenditures, as defined in section four  
 20 thousand nine hundred forty-five (d) [4945(d)] of the Internal  
 21 Revenue Code of 1954, which would give rise to any liability for the  
 22 tax imposed by section four thousand nine hundred forty-five (a)  
 23 [4945(a)] of the Internal Revenue Code of 1954.

1 SEC. 3. The articles of incorporation of every such corporation  
 2 shall be deemed to contain a provision requiring such corporation to

\*Material in brackets of this Act is part of the enacted law.

3 distribute, for the purposes specified in its articles of incorporation,  
4 for each taxable year, amounts at least sufficient to avoid liability for  
5 the tax imposed by section four thousand nine hundred forty-two (a)  
6 [4942(a)] of the Internal Revenue Code of 1954.

1 SEC. 4. Nothing in this Act shall impair the rights and powers of  
2 the courts or the attorney general of this state with respect to any  
3 corporation.

1 SEC. 5. All references to sections of the Internal Revenue Code of  
2 1954 shall mean the Code as amended to and including January 1,  
3 1971.

1 SEC. 6. Nothing in this Act shall limit the power of any nonprofit  
2 corporation organized under chapter five hundred four (504) of the  
3 Code or organized under chapter five hundred four A (504A) of the  
4 Code:

5 1. To at any time amend its articles of incorporation or other  
6 instrument governing such corporation by any amendment process  
7 allowable under the laws of this state to provide that some or all  
8 provisions of sections two (2) and three (3) of this Act shall have  
9 no application to such corporation, or

10 2. In the case of any such corporation formed after the effective  
11 date of this Act, to include any specific provisions in its original  
12 articles of incorporation, which provide that some or all provisions  
13 of sections two (2) and three (3) of this Act shall have no application  
14 to such corporation.

Approved May 7, 1971.

## CHAPTER 242

### OFFICERS AND DIRECTORS OF INSURANCE COMPANIES

#### S. F. 157

AN ACT relating to conflicts of interest of officers and directors of insurance companies.

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

1 SECTION 1. Section five hundred eight point eight (508.8), Code  
2 1971, is amended by striking the section and inserting in lieu thereof  
3 the following:

4 **508.8 Insurance company officers—conflicts of interest prohibited.**  
5 No director or officer of any life insurance company shall receive, in  
6 addition to his fixed salary or compensation, any money or valuable  
7 thing, either directly or indirectly, or through any substantial interest  
8 in any other corporation or business unit, for negotiating, procuring,  
9 recommending or aiding in any purchase or sale of property, or loan,  
10 made by such insurer or any affiliate or subsidiary thereof; nor shall  
11 he be pecuniarily interested, either as principal, coprincipal, agent or  
12 beneficiary, either directly or indirectly, or through any substantial  
13 interest in any other corporation or business unit, in any such pur-  
14 chase, sale or loan.

Approved March 16, 1971.



CHAPTER 243  
GROUP LIFE INSURANCE  
S. F. 386

AN ACT relating to assignment of group life insurance.

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

1 SECTION 1. Chapter five hundred nine (509), Code 1971, is  
2 amended by adding the following new section:

3 "Any person insured under a group life insurance policy may assign  
4 the rights, benefits and all other incidents of ownership conferred on  
5 him by any provision of such policy or by law, including specifically  
6 and not by way of limitation the right, if any, to have issued to him  
7 an individual policy and the right to name a beneficiary. Subject to  
8 the terms of the policy or agreement between the insured, the group  
9 policyholder and the insurer, any such assignment, whether made  
10 before or after the effective date of this Act, is valid for the purpose  
11 of vesting in the assignee, in accordance with any provisions included  
12 therein as to the time at which it is to be effective, all rights, bene-  
13 fits and incidents of ownership conferred upon the insured under  
14 the policy and shall entitle the insurer to deal with the assignee as  
15 the owner of such rights, benefits and incidents of ownership, pro-  
16 vided the insurer shall not be affected by any assignment until he has  
17 received written notice thereof. This section shall be construed as  
18 declaring the law as it existed prior to its enactment and not modi-  
19 fying it."

Approved May 20, 1971.

CHAPTER 244†  
AUTOMOBILE INSURANCE RENEWAL  
S. F. 156

AN ACT relating to the renewal of automobile insurance.

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

1 SECTION 1. Section five hundred fifteen D point six (515D.6), Code  
2 1971, is amended as follows:

3 **515D.6 Prohibited reasons.** No insurer shall refuse to renew a  
4 policy solely because of age, residence, race, color, creed, or occupation  
5 of an insured.

6 No insurer shall require a physical examination of a policyholder  
7 as a condition for renewal solely on the basis of age or other arbitrary  
8 reason. In the event that an insurer requires a physical examination  
9 of a policyholder, the burden of proof in establishing reasonable and  
10 sufficient grounds for such requirement shall rest with the insurer and  
11 the expenses incident to such examination shall be borne by the in-  
12 surer.

Approved April 1, 1971.

†See Editor's note, page iii.

## CHAPTER 245

## INSURANCE AGENTS LICENSES

## H. F. 505

AN ACT relating to the fees charged for insurance agent licenses and making the Act retroactive.

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

1 SECTION 1. Section five hundred twenty-two point four (522.4),  
2 Code 1971, is amended as follows:

3 522.4 *Fee.* The fee charged for such agent's license shall *be, for*  
4 *agents for insurance other than life, two dollars and fifty cents, and*  
5 *for life insurance agents, five dollars. The commissioner shall remit*  
6 *the fees collected to the treasurer of state for deposit in the general*  
7 *fund of the state.*

1 SEC. 2. Section five hundred fifteen point one hundred twenty-  
2 eight (515.128), subsections six (6) and seven (7), Code 1971, are  
3 amended as follows:

4 6. For certificate of authority to agent of foreign *or domestic*  
5 *company, two dollars and fifty cents.*

6 [7. For each certificate of authority to agent of domestic company,  
7 fifty cents.]

1 SEC. 3. Section five hundred eleven point twenty-four (511.24),  
2 subsection four (4), Code 1971, is amended as follows:

3 4. For each agent's certificate, [two] *five* dollars.

1 SEC. 4. Section five hundred eleven point twenty-five (511.25),  
2 subsection three (3), Code 1971, is amended as follows:

3 3. For each agent's certificate, [fifty cents] *five* dollars.

1 SEC. 5. The provisions of this Act shall be retroactive to April  
2 1, 1971.

1 SEC. 6. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in Ames  
3 Daily Tribune, a newspaper published in Ames, Iowa, and in Mar-  
4 shalltown Times-Republican, a newspaper published in Marshalltown,  
5 Iowa.

Approved April 22, 1971.

I hereby certify that the foregoing Act, House File 505, was published in the Ames Daily Tribune, Ames, Iowa, April 23, 1971, and in the Marshalltown Times-Republican, Marshalltown, Iowa, April 23, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 246

## SHARE INSURANCE FOR CREDIT UNIONS

S. F. 249

AN ACT relating to federal share insurance for credit unions.

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

1 SECTION 1. Section five hundred thirty-three point four (533.4),  
2 Code 1971, is amended by adding the following new subsection:

3 "Apply to the administrator of the national credit union adminis-  
4 tration for credit union share insurance under Title II of the federal  
5 Credit Union Act as amended by Public Law 91-468 and take all  
6 actions necessary to maintain an insured status thereunder."

1 SEC. 2. Section five hundred thirty-three point six (533.6), sub-  
2 section two (2), unnumbered paragraph one (1), Code 1971, is  
3 amended as follows:

4 The superintendent of banking shall examine, or cause to be exam-  
5 ined, each credit union annually. Each credit union and all of its  
6 officers and agents shall give to the representatives of said superin-  
7 tendent free access to all books, papers, securities, records and other  
8 sources of information under their control; and for the purposes of  
9 such examination said representatives shall have the power to sub-  
10 poena witnesses, administer oaths, compel the giving of testimony,  
11 and require the submission of documents. A report of such examina-  
12 tion shall be forwarded to the president of each credit union within  
13 thirty days after the completion of the examination. Within thirty  
14 days of the receipt of such report, a meeting of the directors shall  
15 be called to consider matters contained in the report and the action  
16 taken shall be set forth in the minutes of the board. *The superin-*  
17 *tendent may furnish to the administrator or any other official of the*  
18 *national credit union administration any information or report relat-*  
19 *ing to examinations and reports of the status of any state credit union*  
20 *insured by the national credit union administration.*

1 SEC. 3. Section five hundred thirty-three point six (533.6), sub-  
2 section two (2), unnumbered paragraph four (4), Code 1971, is  
3 amended as follows:

4 If it shall appear that any credit union is insolvent or that it has  
5 violated any of the provisions of this chapter, the superintendent of  
6 banking may, after hearing or giving opportunity for a hearing,  
7 order such credit union to correct such condition and shall grant it  
8 not less than sixty days within which to comply and failure so to do  
9 shall afford the said superintendent grounds to revoke the certificate  
10 of approval and to apply to the district court of the district in which  
11 such credit union is located for the appointment of a receiver [to close  
12 up the affairs of such credit union] *for the credit union. The dis-*  
13 *trict court shall appoint the superintendent as receiver unless the*  
14 *superintendent has tendered the appointment to the administrator of*  
15 *the national credit union administration. The administrator as re-*  
16 *ceiver shall possess the rights, powers, and privileges granted by state*  
17 *law to a receiver of a state credit union. Neither the superintendent*  
18 *nor the administrator shall be required to furnish bond as receiver of*  
19 *a state credit union.*

1 SEC. 4. Chapter five hundred thirty-three (533), Code 1971, is  
2 amended by adding the following new section:

3 "1. The superintendent may tender to the administrator of the na-  
4 tional credit union administration the appointment as receiver for  
5 an insured credit union. If the administrator accepts the appoint-  
6 ment as receiver, the rights of the members and other creditors of  
7 the insured credit union shall be determined in accordance with the  
8 laws of this state.

9 2. The administrator of the national credit union administration  
10 as receiver shall possess the powers, rights, and privileges given to  
11 the superintendent as provided by law.

12 3. If the administrator of the national credit union administration  
13 pays or makes available for payment the insured liabilities of a state  
14 credit union, he shall be subrogated by operation of law to all rights  
15 of the members against the insured credit union in the same manner  
16 and to the same extent as the subrogation of the administrator of  
17 the national credit union administration is provided for in applicable  
18 laws of the United States in the case of a closed federal credit union."

Approved April 15, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 247†

### CREDIT UNIONS

S. F. 83

AN ACT relating to the auditing committee of a credit union.

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

1 SECTION 1. Section five hundred thirty-three point eleven  
2 (533.11), subsections one (1) and two (2), Code 1971, are amended  
3 as follows:

4 533.11 **Auditing committee.** The auditing committee shall:

5 1. Make or cause to be made an examination of the affairs of the  
6 credit union at least quarterly, including an audit of its books and,  
7 in the event said committee feels such action to be necessary, it  
8 shall call the members together thereafter and submit to them its  
9 report.

10 2. Make or cause to be made an annual audit and report and submit  
11 the same at the annual meeting of the members.

Approved March 16, 1971.

†See Editor's note, page iii.

## CHAPTER 248

## DISSOLUTION OF CREDIT UNIONS

S. F. 209

AN ACT relating to dissolution of credit unions.

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

1 SECTION 1. Chapter five hundred thirty-three point twenty  
2 (533.20), Code 1971, is amended by striking the section and inserting  
3 in lieu thereof the following:

4 **533.20 Voluntary dissolution.** The process of voluntary dissolution  
5 shall be as follows:

6 1. At a special meeting called for the purpose, notice of which pur-  
7 pose must be contained in the call, a credit union may dissolve upon  
8 the affirmative vote of a majority of its members eligible to vote at  
9 the special meeting. Any member eligible to vote and not present at  
10 the meeting may, within twenty days after the date on which the  
11 meeting was held, vote in favor of dissolution by signing a statement  
12 in the form approved by the superintendent of banking and the vote  
13 shall have the same force and effect as if cast at the meeting.

14 2. The credit union shall cease to do business except for the pur-  
15 poses of liquidation immediately upon the giving of notice of the spe-  
16 cial meeting of the members to vote on dissolution and the board  
17 of directors shall immediately notify the superintendent of banking  
18 of the intention of the credit union to dissolve. The credit union  
19 shall not resume business unless the dissolution fails to receive the  
20 required vote of the members or the members shall have revoked prior  
21 affirmative action to dissolve as provided for in subsection four (4) of  
22 this section.

23 3. The board of directors shall have power to terminate and settle  
24 the affairs of a credit union in voluntary dissolution. The credit union  
25 shall continue in existence for the purpose of discharging its liabili-  
26 ties, collecting and distributing its assets, and doing all acts required  
27 in order to terminate its affairs. The credit union may sue and be  
28 sued for the purpose of enforcing such liabilities and collecting its  
29 assets until its affairs are fully settled. During the course of disso-  
30 lution proceedings, the credit union shall make such reports and shall  
31 be subject to such examinations as the superintendent of banking  
32 may require. If at any time, after affirmative vote of a majority of  
33 the members of a credit union to dissolve the credit union, the super-  
34 intendent of banking finds that the credit union is not making rea-  
35 sonable progress toward terminating its affairs or that the credit  
36 union is insolvent, he may apply to the district court for a receiver  
37 to be appointed to terminate the affairs of the credit union.

38 4. A credit union may, at any time prior to any distribution of its  
39 assets, revoke voluntary dissolution proceedings upon the affirmative  
40 vote of a majority of its members eligible to vote at a special meeting  
41 called for that purpose in the manner prescribed by the bylaws. The  
42 board of directors shall immediately notify the superintendent of  
43 banking of any such action to revoke voluntary dissolution proceed-  
44 ings.

45 5. Upon such proof as is satisfactory to the superintendent of bank-  
46 ing that all assets have been liquidated from which there is a rea-

47 sonable expectance of realization that the liabilities of the credit  
48 union have been discharged and distribution made to its members,  
49 and that the liquidation has been completed, the superintendent of  
50 banking shall issue a certificate of dissolution, which shall be filed  
51 and recorded in the county in which the credit union has its principal  
52 place of business and in the county in which its original articles of  
53 incorporation were filed and recorded. Upon the issuance of a cer-  
54 tificate of dissolution, the existence of the credit union shall cease.

1 SEC. 2. Chapter five hundred thirty-three (533), Code 1971, is  
2 amended by adding thereto the following new sections:

3 1. **"Involuntary dissolution.**

4 1. In all situations in which the superintendent has been appointed  
5 as receiver as provided in section five hundred thirty-three point six  
6 (533.6) and section five hundred thirty-three point twenty (533.20)  
7 of the Code, he shall make a diligent effort to collect and realize on  
8 the assets of the credit union, and make distribution of the proceeds  
9 from time to time to those entitled thereto in the order provided for  
10 by law. The superintendent may execute assignments, releases, and  
11 satisfactions to effectuate sales and transfers as receiver or after  
12 the receivership has terminated. Upon the order of the court in  
13 which the receivership is pending, the superintendent may sell or  
14 compound all bad or doubtful debts, and, on a like order, may sell all  
15 the real and personal property of the credit union, on such terms as  
16 the court shall direct.

17 2. All expenses of the receivership and dissolution shall be fixed  
18 by the superintendent, subject to the approval of the district court,  
19 and shall be paid out of the assets of the credit union.

20 3. At the termination of the receivership, the superintendent  
21 shall file his final report containing the details of his actions therein,  
22 together with such additional facts as the court may require.

23 4. Upon the submission and approval of the final report, the court  
24 shall enter a decree dissolving the credit union, at which time the  
25 existence of the credit union shall cease. It shall be the duty of  
26 the clerk of court to cause certified copies of the decree to be filed  
27 with and recorded by the county recorder of the county in which the  
28 credit union has its principal place of business and by the county  
29 recorder of the county in which its original articles of incorporation  
30 were filed and recorded. No fee shall be charged by the county re-  
31 corder for the filing or recording of the decree."

32 2. **"Dissolution generally.** The following shall apply to dissolution  
33 of a credit union under this chapter, whether voluntary or involuntary:

34 1. Distribution of the assets of the credit union shall be made in  
35 the following order:

36 a. The payment of costs and expense of the administrator of dis-  
37 solution.

38 b. The payment of claims which are given priority by applicable  
39 statutes and, if the assets are insufficient for the payment in full of  
40 all such claims, in the order provided by such statutes or, in the  
41 absence of contrary provisions, pro rata.

42 c. The payment of deposits, including accrued interest, up to the  
43 date of the special meeting of the members at which voluntary dis-  
44 solution was authorized or in the case of involuntary dissolution, the

45 date of appointment of a receiver.

46 d. The pro rate apportionment of the balance among the members  
47 of record on the date of the special meeting of the members at which  
48 voluntary dissolution was authorized or in the case of involuntary  
49 dissolution, the members of record on the date of appointment of a  
50 receiver.

51 2. All amounts due to members who are unknown, or who are  
52 under a disability and there is no person legally competent to receive  
53 such amounts, or who cannot be found after the exercise of reasonable  
54 diligence shall be transmitted to the treasurer of state who shall hold  
55 such amounts in the manner prescribed by chapter five hundred fifty-  
56 six (556) of the Code. All amounts due to creditors as described in  
57 section four hundred ninety-six A point one hundred one (496A.101)  
58 of the Code shall be transmitted to the treasurer of state in accord-  
59 ance with the provisions of that section and shall be retained by the  
60 treasurer of state and subject to claim as provided for in that section.

61 3. The superintendent of banking shall assume custody of the rec-  
62 ords of a credit union dissolved pursuant to this chapter and shall  
63 retain them in accordance with the provisions of section five hundred  
64 thirty-three point twenty-four (533.24) of the Code. The superin-  
65 tendent may cause film, photographic, photostatic, or other copies of  
66 such records to be made and retain such copies in lieu of the original  
67 records.

68 4. The dissolution of a credit union shall not remove or impair any  
69 remedy available to or against such credit union, its directors, officers,  
70 or members for any right or claim existing or any liability incurred  
71 prior to such dissolution if an action or other proceeding to en-  
72 force the right or claim is commenced within two years after the date  
73 of filing of a certificate or decree of dissolution with the county re-  
74 corder in the county in which the credit union has its principal place of  
75 business. Any such action or proceeding by or against the credit  
76 union may be prosecuted or defended by the credit union in its cor-  
77 porate name. The members, directors, and officers shall have power  
78 to take such corporate or other action as shall be appropriate to pro-  
79 tect such remedy, right, or claim."

Approved April 15, 1971.

## CHAPTER 249

### CREDIT UNION CHARTERS

#### S. F. 210

AN ACT relating to the conversion of credit union charters.

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

1 SECTION 1. Chapter five hundred thirty-three (533), Code 1971,  
2 is amended by adding the following new sections:

3 1. "Conversion of state credit union into federal credit union.

4 1. A state credit union may convert into a federal credit union upon  
5 the affirmative vote of a majority of its members eligible to vote,  
6 at a special meeting called for that purpose in the manner prescribed

7 by the bylaws and with the approval of the administrator of the  
8 national credit union administration. Any member eligible to vote  
9 and not present at the meeting may, within twenty days after the  
10 date on which the meeting was held, vote in favor of conversion by  
11 signing a statement in a form satisfactory to the superintendent of  
12 banking and the vote shall have the same force and effect as if cast  
13 at the meeting.

14 2. The board of directors of the state credit union shall notify the  
15 superintendent of banking of any proposed conversion and of any  
16 abandonment or disapproval of the conversion by the members or the  
17 administrator of the national credit union administration. The board  
18 of directors of the state credit union shall file with the superintendent  
19 appropriate evidence of approval of the conversion by the adminis-  
20 trator of the national credit union administration and notify the super-  
21 intendent of the date on which the conversion is to be effective.

22 3. Upon receipt of satisfactory proof that the state credit union has  
23 complied with all applicable laws of this state and the United States,  
24 the superintendent shall issue a certificate of conversion which shall  
25 be filed and recorded in the county in which the state credit union has  
26 its principal place of business and in the county in which its original  
27 articles of incorporation were filed and recorded."

28 2. **"Conversion of federal credit union into state credit union.**

29 1. A federal credit union may convert into a state credit union upon  
30 compliance with the laws of the United States and approval by the  
31 superintendent of banking. Application for approval of conversion  
32 to a state credit union shall be submitted to the superintendent in the  
33 form prescribed by the superintendent, together with articles of in-  
34 corporation and bylaws as required by section five hundred thirty-  
35 three point one (533.1) of the Code. The superintendent of banking  
36 may cause an examination to be made of any converting federal  
37 credit union and the credit union shall pay to the superintendent the  
38 same examination fee paid for examinations of state credit unions.

39 2. If the superintendent shall approve the application of a federal  
40 credit union for conversion to a state credit union, he shall cause the  
41 articles of incorporation of the resulting state credit union to be filed  
42 and recorded in the county in which the credit union has its principal  
43 place of business and shall issue a certificate of authority to the result-  
44 ing state credit union to do business under the laws of this state. The  
45 credit union shall then become a state credit union subject to the  
46 laws of this state. The superintendent shall furnish a copy of the  
47 certificate to the administrator of the national credit union administra-  
48 tion.

49 3. The existence of the federal credit union shall continue and the  
50 resulting state credit union shall have all of the property, rights,  
51 powers and duties of the federal credit union except that the result-  
52 ing state credit union shall have only the authority to engage in such  
53 business and exercise such powers and shall be subject to the same  
54 prohibitions and limitations to which it would be subject upon origi-  
55 nal organization under this chapter.

56 4. No liability of the federal credit union or of its members, direc-  
57 tors or officers shall be affected, nor shall any lien on any property  
58 of the federal credit union be impaired by the conversion. Any claim  
59 existing or action pending by or against the federal credit union may



60 be prosecuted to judgment as if the conversion had not taken place,  
61 or the resulting state credit union may be substituted in its place.”

Approved April 26, 1971.

## CHAPTER 250†

### SAVINGS AND LOAN ASSOCIATIONS

#### S. F. 118

AN ACT relating to savings and loan associations.

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

1 SECTION 1. Section five hundred thirty-four point two (534.2),  
2 subsection five (5), Code 1971, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 5. “Regular lending area” shall mean an area within one hundred  
5 miles from any approved office, whether within or without the state.

1 SEC. 2. Section five hundred thirty-four point seventeen (534.17),  
2 subsection one (1), Code 1971, is amended by adding the following  
3 new paragraph:

4 “Any of said investments which are securities or obligations which  
5 are evidence of first mortgage liens on real estate are exempt from the  
6 above five percent limitation.”

1 SEC. 3. Section five hundred thirty-four point nineteen (534.19),  
2 subsection six (6), Code 1971, is amended as follows:

3 6. Property improvement loans. To make property improvement  
4 loans to home owners and other property owners for maintenance,  
5 repair, landscaping, modernization, furniture and fixtures, improve-  
6 ment and equipment for their properties, and loans on mobile homes,  
7 with or without security provided that no such loan without security  
8 shall exceed five thousand dollars, and provided further that not in  
9 excess of fifteen percent of the assets of the association shall be so  
10 invested, said fifteen percent to be exclusive of the forty percent of  
11 assets power set out in section 534.21 hereof. Such loans shall be  
12 amortized to mature in not to exceed eight years. Such loans may also  
13 be based on a discount or add on charge of not to exceed six dollars  
14 per one hundred dollars face amount per year in lieu of straight  
15 interest otherwise provided by law.

1 SEC. 4. Section five hundred thirty-four point nineteen (534.19),  
2 subsection fifteen (15), Code 1971, is amended as follows:

3 15. Service corporations. Any association shall have the power to  
4 organize and own, alone or with any other similar corporation, a  
5 service corporation for the mutual good of said corporations. An  
6 association may invest in capital stock, obligations, or other securi-  
7 ties of service corporations in an amount not to exceed five percent  
8 of the association’s assets.

†See Editor’s note, page iii.

1 SEC. 5. Section five hundred thirty-four point nineteen (534.19),  
2 subsection sixteen (16), Code 1971, is amended by adding the follow-  
3 ing new paragraph:

4 "Any association shall have the power to invest, organize, purchase  
5 stock or obligations in any corporation for the purpose of lending,  
6 owning, improving, or constructing property in any subsidized pro-  
7 gram of any government or agency that is insured by said government  
8 or agency or that is insured by private mortgage insurance. The total  
9 investment in said program shall not exceed five percent of the assets  
10 of the association."

1 SEC. 6. Section five hundred thirty-four point twenty-one  
2 (534.21), subsection three (3), Code 1971, is amended as follows:

3 3. Home loans. Every such association may originate and make  
4 first mortgage amortized real estate loans for not to exceed fifty  
5 thousand dollars secured by home property situated within the state.  
6 Such loans may also be made within the state of Iowa when the loans  
7 are insured wholly or partially by any instrumentality of the United  
8 States government or by private mortgage insurance when such com-  
9 pany is approved to conduct business in the state of Iowa. Home loans  
10 may be made in excess of the fifty thousand dollar limitation when  
11 made under the forty percent of assets lending power hereinafter set  
12 out.

1 SEC. 7. Section five hundred thirty-four point twenty-one  
2 (534.21), subsection four (4), Code 1971, is amended by adding the  
3 following new paragraph:

4 e. First mortgage loans insured by an instrumentality of the United  
5 States government or first mortgage loans insured by an approved  
6 mortgage insurance company doing business in the state of Iowa shall  
7 be exempt from the provisions of the forty percent of assets lending  
8 power.

1 SEC. 8. Section five hundred thirty-four point forty-one (534.41),  
2 subsection three (3), Code 1971, is amended as follows:

3 3. Duties. The supervisor shall, at least once each year, examine or  
4 cause examination and audit to be made into the affairs of every  
5 association subject to this chapter. If an association is insured under  
6 the provisions of title IV of the National Housing Act (48 Stat. L.  
7 1246; 12 U. S. C., ch 13), as now or hereafter amended, the super-  
8 visor may, in lieu of such examination and audit accept any examina-  
9 tion or audit made by the federal savings and loan insurance corpora-  
10 tion. Any such association may, in lieu of such examination and audit  
11 by the supervisor, at the option of the supervisor be audited by a certi-  
12 fied public accountant, or by a public accountant qualified and licensed  
13 to practice accountancy under the provisions of the Code of Iowa. At  
14 least two copies of each examination or audit report, signed and  
15 verified by the accountant making it, shall promptly be filed with the  
16 supervisor. Whenever, in the judgment of the supervisor, the con-  
17 dition of any association renders it necessary or expedient to make  
18 an extra examination or audit or to devote any extraordinary atten-  
19 tion to its affairs, the supervisor shall cause such work to be done. A  
20 copy of every examination or audit report shall be furnished to the  
21 association examined, exclusive of confidential comments made by the

22 examiner, and a copy of every report and comments and any other  
23 information pertaining to an association may be furnished to the  
24 federal home loan bank board, federal home loan bank, and federal  
25 savings and loan insurance corporation. A copy of such examination  
26 or audit report shall be presented to the board of directors at its next  
27 regular or special meeting and their action thereon shall be recorded  
28 in the minutes, and two certified copies of such minutes shall be trans-  
29 mitted to the supervisor.

1 SEC. 9. Section five hundred thirty-four point forty-two (534.42),  
2 Code 1971, is amended as follows:

3 534.42 **Dividends.** After making such provisions for absorbing  
4 immediate and possible future losses, the board of directors of such  
5 association shall annually, or at such other intervals as the board of  
6 directors may determine, declare and apportion as a dividend to mem-  
7 bers, according to its articles of incorporation, such portion of the  
8 association's net profits as it may deem available, and as authorized  
9 under this chapter. Members shall participate in dividends in propor-  
10 tion to their respective investments therein. Dividends for a particu-  
11 lar month may be paid on sums invested by a member by the tenth  
12 day of that month or by such later date of that month as is authorized  
13 by the supervisor of savings and loan associations, which shall in no  
14 event be later than the twentieth day of a particular month. If the  
15 tenth day of said month or other authorized date falls on a Sunday,  
16 holiday or another business day on which the particular associa-  
17 tion is normally closed, then money received by the next business day  
18 may earn dividends from the first of that month. The board of direc-  
19 tors may also devise other methods of paying dividends, including pay-  
20 ment of dividends from date of investment to date of withdrawal,  
21 subject to the approval of the supervisor of savings and loan associa-  
22 tions. Additionally a service fee not to exceed one dollar per dividend  
23 period may be charged to a member's account when no activity has  
24 taken place in said account for the eight preceding quarterly periods  
25 and the principal of such account is less than fifty dollars.

1 SEC. 10. Chapter five hundred thirty-four (534), Code 1971, is  
2 amended by adding the following new section:

3 "**Limited trust powers.** Associations incorporated under this chap-  
4 ter may act as trustee for trusts which are created or organized in the  
5 United States, and which form part of a stock bonus, pension, or profit  
6 sharing plan which qualifies for special tax treatment under section  
7 401 (d) of the Internal Revenue Code of 1954, as amended, if the  
8 funds of such trust are invested only in savings accounts or deposits  
9 in such association or in obligations or securities issued by such asso-  
10 ciation. All funds held in such fiduciary capacity by any such associa-  
11 tion may be commingled for appropriate purposes of investment, but  
12 individual records shall be kept by the fiduciary for each participant  
13 and shall show in proper detail all transactions engaged in under the  
14 authority of this section."

Approved March 16, 1971.

## CHAPTER 251

## UNIFORM PARTNERSHIP ACT

S. F. 460

AN ACT providing for enactment of the uniform partnership Act.

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

1 SECTION 1. **Short title.** This Act may be cited as the "Uniform  
2 Partnership Act".

1 SEC. 2. **Definitions.** As used in this Act the terms:

2 1. "Court" includes every court and judge having jurisdiction in  
3 the case.

4 2. "Business" includes every trade, occupation, or profession.

5 3. "Person" includes individuals, partnerships, corporations, and  
6 other associations, trusts, trustees and other fiduciaries.

7 4. "Bankrupt" includes bankrupt under the Federal Bankruptcy  
8 Act or insolvent under any state insolvent act.

9 5. "Conveyance" includes every assignment, lease, mortgage, or  
10 encumbrance.

11 6. "Real property" includes land and any interest or estate in land.

1 SEC. 3. **Interpretation of knowledge and notice.**

2 1. A person has "knowledge" of a fact within the meaning of this  
3 Act not only when he has actual knowledge thereof, but also when  
4 he has knowledge of such other facts as in the circumstances shows  
5 bad faith.

6 2. A person has "notice" of a fact within the meaning of this Act  
7 when the person who claims the benefit of the notice:

8 a. States the fact to the person, or

9 b. Delivers through the mail, or by other means of communication,  
10 a written statement of the fact to such person or to a proper person  
11 at his place of business or residence.

1 SEC. 4. **Rules of Construction.**

2 1. The rule that statutes in derogation of the common law are to be  
3 strictly construed shall have no application to this Act.

4 2. The law of estoppel shall apply under this Act.

5 3. The law of agency shall apply under this Act.

6 4. This Act shall be so interpreted and construed as to effect its  
7 general purpose to make uniform the law of those states which enact it.

8 5. This Act shall not be construed so as to impair the obligations  
9 of any contract existing when the Act goes into effect, nor to affect  
10 any action or proceedings begun or right accrued before this Act takes  
11 effect.

1 SEC. 5. **Rules for cases not provided for in this Act.** In any case  
2 not provided for in this Act the rules of law and equity, including the  
3 law merchant, shall govern.

1 SEC. 6. **Partnership defined.**

2 1. A partnership is an association of two or more persons to carry  
3 on as co-owners a business for profit.

4 2. But any association formed under any other statute of this state,  
5 or any statute adopted by authority, other than the authority of this

6 state, is not a partnership under this Act, unless the association  
7 would have been a partnership in this state prior to the adoption of  
8 this Act; but this Act shall apply to limited partnerships except in  
9 so far as the statutes relating to such partnerships are inconsistent  
10 herewith.

1 **SEC. 7. Rules for determining the existence of a partnership.** In  
2 determining whether a partnership exists, these rules shall apply:

3 1. Except as provided by section sixteen (16) of this Act, persons  
4 who are not partners as to each other are not partners as to third  
5 persons.

6 2. Joint tenancy, tenancy in common, tenancy by the entireties,  
7 joint property, common property, or part ownership does not of itself  
8 establish a partnership, whether such co-owners do or do not share  
9 any profits made by the use of the property.

10 3. The sharing of gross returns does not of itself establish a part-  
11 nership, whether or not the persons sharing them have a joint or com-  
12 mon right or interest in any property from which the returns are  
13 derived.

14 4. The receipt by a person of a share of the profits of a business is  
15 prima facie evidence that he is a partner in the business, but no such  
16 inference shall be drawn if such profits were received in payment:

17 a. As a debt by installments or otherwise,

18 b. As wages of an employee or rent to a landlord,

19 c. As an annuity to a widow or representative of a deceased part-  
20 ner,

21 d. As interest on a loan, though the amount of payment vary with  
22 the profits of the business,

23 e. As the consideration for the sale of a good-will of a business or  
24 other property by installments or otherwise.

1 **SEC. 8. Partnership property.**

2 1. All property originally brought into the partnership stock or  
3 subsequently acquired by purchase or otherwise, on account of the  
4 partnership, is partnership property.

5 2. Unless the contrary intention appears, property acquired with  
6 partnership funds is partnership property.

7 3. Any estate in real property may be acquired in the partnership  
8 name. Title so acquired can be conveyed only in the partnership  
9 name.

10 4. A conveyance to a partnership in the partnership name, though  
11 without words of inheritance, passes the entire estate of the grantor  
12 unless a contrary intent appears.

1 **SEC. 9. Partner agent of partnership as to partnership business.**

2 1. Every partner is an agent of the partnership for the purpose of  
3 its business, and the act of every partner, including the execution in  
4 the partnership name of any instrument, for apparently carrying on  
5 in the usual way the business of the partnership of which he is a  
6 member binds the partnership, unless the partner so acting has in  
7 fact no authority to act for the partnership in the particular matter,  
8 and the person with whom he is dealing has knowledge of the fact  
9 that he has no such authority.

10 2. An act of a partner which is not apparently for the carrying on

11 of the business of the partnership in the usual way does not bind the  
12 partnership unless authorized by the other partners.

13 3. Unless authorized by the other partners or unless they have  
14 abandoned the business, one or more but less than all the partners  
15 have no authority to:

16 a. Assign the partnership property in trust for creditors or on the  
17 assignee's promise to pay the debts of the partnership,

18 b. Dispose of the good-will of the business,

19 c. Do any other act which would make it impossible to carry on  
20 the ordinary business of a partnership,

21 d. Confess a judgment,

22 e. Submit a partnership claim or liability to arbitration or refer-  
23 ence.

24 4. No act of a partner in contravention of a restriction on author-  
25 ity shall bind the partnership to persons having knowledge of the  
26 restriction.

1 **SEC. 10. Conveyance of real property of the partnership.**

2 1. Where title to real property is in the partnership name, any part-  
3 ner may convey title to the property by a conveyance executed in the  
4 partnership name; but the partnership may recover such property  
5 unless the partner's act binds the partnership under the provisions  
6 of section nine (9), subsection one (1) of this Act, or unless the  
7 property has been conveyed by the grantee or a person claiming  
8 through the grantee to a holder for value without knowledge that the  
9 partner, in making the conveyance, has exceeded his authority.

10 2. Where title to real property is in the name of the partnership,  
11 a conveyance executed by a partner, in his own name, passes the  
12 equitable interest of the partnership, provided the act is within the  
13 authority of the partner under the provisions of section nine (9),  
14 subsection one (1) of this Act.

15 3. Where title to real property is in the name of one or more but  
16 not all the partners, and the record does not disclose the right of the  
17 partnership, the partners in whose name the title stands may convey  
18 title to the property, but the partnership may recover the property  
19 if the partners' act does not bind the partnership under the provisions  
20 of section nine (9), subsection one (1) of this Act, unless the pur-  
21 chaser or his assignee, is a holder for value, without knowledge.

22 4. Where the title to real property is in the name of one or more  
23 or all the partners, or in a third person in trust for the partnership,  
24 a conveyance executed by a partner in the partnership name, or in his  
25 own name, passes the equitable interest of the partnership, provided  
26 the act is one within the authority of the partner under the provisions  
27 of section nine (9), subsection one (1) of this Act.

28 5. Where the title to real property is in the names of all the part-  
29 ners a conveyance executed by all the partners passes all their rights  
30 in the property.

1 **SEC. 11. Partnership bound by admission of partner.** An admis-  
2 sion or representation made by any partner concerning partnership  
3 affairs within the scope of his authority as conferred by this Act is  
4 evidence against the partnership.

1 **SEC. 12. Partnership charged with knowledge of or notice to part-**  
2 **ner.** Notice to any partner of any matter relating to partnership af-

3 fairs, and the knowledge of the partner acting in the particular mat-  
4 ter, acquired while a partner or then present to his mind, and the  
5 knowledge of any other partner who reasonably could and should have  
6 communicated it to the acting partner, operates as notice to or knowl-  
7 edge of the partnership, except in the case of a fraud on the partner-  
8 ship committed by or with the consent of that partner.

1 **SEC. 13. Partnership bound by partner's wrongful act.** Where, by  
2 any wrongful act or omission of any partner acting in the ordinary  
3 course of the business of the partnership or with the authority of his  
4 co-partners, loss or injury is caused to any person, not being a partner  
5 in the partnership, or any penalty is incurred, the partnership is liable  
6 therefor to the same extent as the partner so acting or omitting to  
7 act.

1 **SEC. 14. Partnership bound by partner's breach of trust.** The part-  
2 nership is bound to make good the loss:

3 1. Where one partner acting within the scope of his apparent au-  
4 thority receives money or property of a third person and misapplies  
5 it.

6 2. Where the partnership in the course of its business receives  
7 money or property of a third person and the money or property so  
8 received is misapplied by any partner while it is in the custody of  
9 the partnership.

1 **SEC. 15. Nature of partner's liability.** All partners are liable:

2 1. Jointly and severally for everything chargeable to the partner-  
3 ship under sections thirteen (13) and fourteen (14) of this Act.

4 2. Jointly for all other debts and obligations of the partnership;  
5 but any partner may enter into a separate obligation to perform a  
6 partnership contract.

1 **SEC. 16. Partner by estoppel.**

2 1. When a person, by words spoken or written or by conduct, rep-  
3 resents himself, or consents to another representing him to any one,  
4 as a partner in an existing partnership or with one or more persons  
5 not actual partners, he is liable to any person to whom the representa-  
6 tion has been made, who has, on the faith of the representation, given  
7 credit to the actual or apparent partnership, and if he has made a  
8 representation or consented to its being made in a public manner he  
9 is liable to the person, whether the representation has or has not been  
10 made or communicated to the person so giving credit by or with the  
11 knowledge of the apparent partner making the representation or con-  
12 senting to its being made.

13 a. When a partnership liability results, he is liable as though he  
14 were an actual member of the partnership.

15 b. When no partnership liability results, he is liable jointly with  
16 the other persons, if any, so consenting to the contract or represen-  
17 tation as to incur liability, otherwise separately.

18 2. When a person has been thus represented to be a partner in an  
19 existing partnership, or with one or more persons not actual part-  
20 ners, he is an agent of the persons consenting to the representation  
21 to bind them to the same extent and in the same manner as though  
22 he were a partner in fact, with respect to persons who rely upon the  
23 representation. Where all the members of the existing partnership

24 consent to the representation, a partnership act or obligation results;  
25 but in all other cases it is the joint act or obligation of the person  
26 acting and the persons consenting to the representation.

1     **SEC. 17. Liability of incoming partner.** A person admitted as a  
2 partner into an existing partnership is liable for all the obligations of  
3 the partnership arising before his admission as though he had been  
4 a partner when such obligations were incurred, except that this liabil-  
5 ity shall be satisfied only out of partnership property.

1     **SEC. 18. Rules determining rights and duties of partners.** The  
2 rights and duties of the partners in relation to the partnership shall  
3 be determined, subject to any agreement between them, by the follow-  
4 ing rules:

5     1. Each partner shall be repaid his contributions, whether by way  
6 of capital or advances to the partnership property and share equally  
7 in the profits and surplus remaining after all liabilities, including  
8 those to partners, are satisfied; and must contribute towards the  
9 losses, whether of capital or otherwise, sustained by the partnership  
10 according to his share in the profits.

11     2. The partnership must indemnify every partner in respect of  
12 payments made and personal liabilities reasonably incurred by him  
13 in the ordinary and proper conduct of its business, or for the preser-  
14 vation of its business or property.

15     3. A partner, who in aid of the partnership makes any payment or  
16 advance beyond the amount of capital which he agreed to contribute,  
17 shall be paid interest from the date of the payment or advance.

18     4. A partner shall receive interest on the capital contributed by  
19 him only from the date when repayment should be made.

20     5. All partners have equal rights in the management and conduct  
21 of the partnership business.

22     6. No partner is entitled to remuneration for acting in the partner-  
23 ship business, except that a surviving partner is entitled to reasonable  
24 compensation for his services in winding up the partnership affairs.

25     7. No person can become a member of a partnership without the  
26 consent of all the partners.

27     8. Any difference arising as to ordinary matters connected with  
28 the partnership business may be decided by a majority of the part-  
29 ners; but no act in contravention of any agreement between the part-  
30 ners may be done rightfully without the consent of all the partners.

1     **SEC. 19. Partnership books.** The partnership books shall be kept,  
2 subject to any agreement between the partners, at the principal place  
3 of business of the partnership, and every partner shall at all times  
4 have access to and may inspect and copy any of them.

1     **SEC. 20. Duty of partners to render information.** Partners shall  
2 render on demand true and full information of all things affecting  
3 the partnership to any partner or the legal representative of any de-  
4 ceased partner or partner under legal disability.

1     **SEC. 21. Partner accountable as a fiduciary.**

2     1. Every partner must account to the partnership for any benefit,  
3 and hold as trustee for it any profits derived by him without the con-  
4 sent of the other partners from any transaction connected with the



5 formation, conduct, liquidation of the partnership or use of its prop-  
6 erty.

7 2. This section also applies to the representatives of a deceased  
8 partner engaged in the liquidation of the affairs of the partnership as  
9 the personal representatives of the last surviving partner.

1 **SEC. 22. Right to an account.** Any partner shall have the right to  
2 a formal account as to partnership affairs:

3 1. If he is wrongfully excluded from the partnership business or  
4 possession of its property by his co-partners.

5 2. If the right exists under the terms of any agreement.

6 3. As provided by section twenty-one (21) of this Act.

7 4. Whenever other circumstances render it just and reasonable.

1 **SEC. 23. Continuation of partnership beyond fixed term.**

2 1. When a partnership for a fixed term or particular undertaking  
3 is continued after the termination of such term or particular under-  
4 taking, without any express agreement, the rights and duties of the  
5 partners remain the same as they were at such termination, so far  
6 as is consistent with a partnership at will.

7 2. A continuation of the business by the partners or such of them  
8 as habitually acted therein during the term, without any settlement  
9 or liquidation of the partnership affairs, is prima facie evidence of a  
10 continuation of the partnership.

1 **SEC. 24. Extent of property rights of a partner.** The property  
2 rights of a partner are:

3 1. His rights in specific partnership property.

4 2. His interest in the partnership.

5 3. His right to participate in the management.

1 **SEC. 25. Nature of a partner's right in specific partnership prop-**  
2 **erty.**

3 1. A partner is co-owner with his partners of specific partnership  
4 property holding as a tenant in partnership.

5 2. The incidents of this tenancy are such that:

6 a. A partner, subject to the provisions of this Act and to any  
7 agreement between the partners, has an equal right with his partners  
8 to possess specific partnership property for partnership purposes;  
9 but he has no right to possess the property for any other purpose  
10 without the consent of his partners.

11 b. A partner's right in specific partnership property is not assign-  
12 able except in connection with the assignment of rights of all the part-  
13 ners in the same property.

14 c. A partner's right in specific partnership property is not subject  
15 to attachment or execution, except on a claim against the partner-  
16 ship. When partnership property is attached for a partnership debt  
17 the partners, or any of them, or the representatives of a deceased  
18 partner, cannot claim any right under the homestead or exemption  
19 laws.

20 d. On the death of a partner his right in specific partnership prop-  
21 erty vests in the surviving partner or partners, except where the de-  
22 ceased was the last surviving partner, when his rights in the property  
23 vest in his legal representative. Such surviving partner or partners,  
24 or the legal representative of the last surviving partner, has no right

25 to possess the partnership property for any but a partnership purpose.  
26 e. A partner's right in specific partnership property is not subject  
27 to dower, courtesy, or allowances to widows, heirs, or next of kin.

1 **SEC. 26. Nature of partner's interest in the partnership.** A part-  
2 ner's interest in the partnership is his share of the profits and sur-  
3 plus, and the same is personal property.

1 **SEC. 27. Assignment of a partner's interest.**  
2 1. A conveyance by a partner of his interest in the partnership  
3 does not of itself dissolve the partnership, nor as against the other  
4 partners in the absence of agreement, entitle the assignee, during the  
5 continuance of the partnership, to interfere in the management or  
6 administration of the partnership business or affairs, or to require  
7 any information or account of partnership transactions, or to inspect  
8 the partnership books; but it merely entitles the assignee to receive  
9 in accordance with his contract the profits to which the assigning  
10 partner would otherwise be entitled.

11 2. In case of a dissolution of the partnership, the assignee is en-  
12 titled to receive his assignor's interest and may require an account  
13 from the date only of the last account agreed to by all the partners.

1 **SEC. 28. Partner's interest subject to charging order.**

2 1. On due application to a competent court by any judgment credi-  
3 tor of a partner, the court which entered the judgment, order, or de-  
4 cree, or any other court, may charge the interest of the debtor part-  
5 ner with payment of the unsatisfied amount of the judgment debt  
6 with interest thereon; and may then or later appoint a receiver of his  
7 share of the profits, and of any other money due or to fall due to him  
8 in respect of the partnership, and make all other orders, directions,  
9 accounts and inquiries which the debtor partner might have made,  
10 or which the circumstances of the case may require.

11 2. The interest charged may be redeemed at any time before fore-  
12 closure, or in case of a sale being directed by the court may be pur-  
13 chased without thereby causing a dissolution:

14 a. With separate property, by any one or more of the partners, or

15 b. With partnership property, by any one or more of the partners  
16 with the consent of all the partners whose interests are not so  
17 charged or sold.

18 3. Nothing in this Act shall be held to deprive a partner of his  
19 right, if any, under the exemption laws, as regards his interest in the  
20 partnership.

1 **SEC. 29. Dissolution defined.** The dissolution of a partnership is  
2 the change in the relation of the partners caused by any partner  
3 ceasing to be associated in the carrying on as distinguished from the  
4 winding up of the business.

1 **SEC. 30. Partnership not terminated by dissolution.** On dissolu-  
2 tion the partnership is not terminated, but continues until the wind-  
3 ing up of partnership affairs is completed.

1 **SEC. 31. Causes of dissolution.** Dissolution is caused:

2 1. Without violation of the agreement between the partners:

3 a. By the termination of the definite term or particular undertak-  
4 ing specified in the agreement,

- 5 b. By the express will of any partner when no definite term or  
6 particular undertaking is specified,
- 7 c. By the express will of all the partners who have not assigned  
8 their interests or suffered them to be charged for their separate debts,  
9 either before or after the termination of any specified term or par-  
10 ticular undertaking,
- 11 d. By the expulsion of any partner from the business bona fide in  
12 accordance with such a power conferred by the agreement between  
13 the partners;
- 14 2. In contravention of the agreement between the partners, where  
15 the circumstances do not permit a dissolution under any other provi-  
16 sion of this section, by the express will of any partner at any time;
- 17 3. By any event which makes it unlawful for the business of the  
18 partnership to be carried on or for the members to carry it on in  
19 partnership;
- 20 4. By the death of any partner, unless the partnership agreement  
21 provides otherwise;
- 22 5. By the bankruptcy of any partner or the partnership;
- 23 6. By decree of court under section thirty-two (32) of this Act.

1 **SEC. 32. Dissolution by decree of court.** The court shall decree a  
2 dissolution:

- 3 1. On application by or for a partner whenever:
- 4 a. A partner has been declared a mentally ill person in any judicial  
5 proceeding, or is shown to be of unsound mind,
- 6 b. A partner becomes in any other way incapable of performing  
7 his part of the partnership contract,
- 8 c. A partner has been guilty of conduct as tends to affect prejudi-  
9 cially the carrying on of the business,
- 10 d. A partner willfully or persistently commits a breach of the part-  
11 nership or agreement, or otherwise so conducts himself in matters  
12 relating to the partnership business that it is not reasonably practica-  
13 ble to carry on the business in partnership with him,
- 14 e. The business of the partnership can only be carried on at a loss,  
15 f. Other circumstances render a dissolution equitable.
- 16 2. On application of the purchaser of a partner's interest under  
17 section twenty-seven (27) or twenty-eight (28) of this Act:
- 18 a. After the termination of the specified term or particular under-  
19 taking,
- 20 b. At any time if the partnership was a partnership at will when the  
21 interest was assigned or when the charging order was issued.

1 **SEC. 33. General effect of dissolution on authority of partner.** Ex-  
2 cept so far as may be necessary to wind up partnership affairs or to  
3 complete transactions begun but not then finished, dissolution termi-  
4 nates all authority of any partner to act for the partnership:

- 5 1. With respect to the partners,
- 6 a. When the dissolution is not by the act, bankruptcy or death of  
7 a partner, or
- 8 b. When the dissolution is by such act, bankruptcy or death of a  
9 partner, in cases where section thirty-four (34) of this Act, so re-  
10 quires.
- 11 2. With respect to persons not partners, as declared in section  
12 thirty-five (35) of this Act.

1     **SEC. 34. Right of partner to contribution from co-partners after**  
2 **dissolution.** Where the dissolution is caused by the act, death or  
3 bankruptcy of a partner, each partner is liable to his co-partners for  
4 his share of any liability created by any partner acting for the part-  
5 nership as if the partnership had not been dissolved unless:  
6     1. The dissolution being by act of any partner, the partner acting  
7 for the partnership had knowledge of the dissolution, or  
8     2. The dissolution being by the death or bankruptcy of a partner,  
9 the partner acting for the partnership had knowledge or notice of  
10 the death or bankruptcy.

1     **SEC. 35. Power of partner to bind partnership to third persons**  
2 **after dissolution.**  
3     1. After dissolution a partner can bind the partnership except as  
4 provided in subsection three (3) of this section:  
5     a. By any act appropriate for winding up partnership affairs or  
6 completing transactions unfinished at dissolution.  
7     b. By any transaction which would bind the partnership if disso-  
8 lution had not taken place, provided the other party to the transac-  
9 tion:  
10     (1) Had extended credit to the partnership prior to dissolution and  
11 had no knowledge or notice of the dissolution; or  
12     (2) Though he had not so extended credit, had nevertheless known  
13 of the partnership prior to dissolution, and, having no knowledge or  
14 notice of dissolution, the fact of dissolution had not been advertised  
15 in a newspaper of general circulation in the place (or in each place if  
16 more than one) at which the partnership business was regularly car-  
17 ried on.  
18     2. The liability of a partner under paragraph b of subsection one  
19 (1) of this section shall be satisfied out of partnership assets alone  
20 when such partner had been prior to dissolution:  
21     a. Unknown as a partner to the person with whom the contract is  
22 made; and  
23     b. So far unknown and inactive in partnership affairs that the  
24 business reputation of the partnership could not be said to have been  
25 in any degree due to his connection with it.  
26     3. The partnership is in no case bound by any act of a partner  
27 after dissolution:  
28     a. Where the partnership is dissolved because it is unlawful to  
29 carry on the business, unless the act is appropriate for winding up  
30 partnership affairs; or  
31     b. Where the partner has become bankrupt; or  
32     c. Where the partner has no authority to wind up partnership  
33 affairs; except by a transaction with one who:  
34     (1) Had extended credit to the partnership prior to dissolution and  
35 had no knowledge or notice of his want of authority; or  
36     (2) Had not extended credit to the partnership prior to dissolution,  
37 and, having no knowledge or notice of his want of authority, the fact  
38 of his want of authority has not been advertised in the manner pro-  
39 vided for advertising the fact of dissolution in paragraph b of sub-  
40 section one (1) of this section.  
41     4. Nothing in this section shall affect the liability under section  
42 sixteen (16) of this Act of any person who after dissolution repre-

43 sends himself or consents to another representing him as a partner  
44 in a partnership engaged in carrying on business.

1 **SEC. 36. Effect of dissolution on partner's existing liability.**

2 1. The dissolution of the partnership does not of itself discharge  
3 the existing liability of any partner.

4 2. A partner is discharged from any existing liability upon dissolution  
5 of the partnership by an agreement to that effect between him-  
6 self, the partnership creditor and the person or partnership continu-  
7 ing the business; and such agreement may be inferred from the course  
8 of dealing between the creditor having knowledge of the dissolution  
9 and the person or partnership continuing the business.

10 3. Where a person agrees to assume the existing obligations of a  
11 dissolved partnership, the partners whose obligations have been as-  
12 sumed shall be discharged from any liability to any creditor of the  
13 partnership who, knowing of the agreement, consents to a material  
14 alteration in the nature or time of payment of the obligations.

15 4. The individual property of a deceased partner shall be liable for  
16 all obligations of the partnership incurred while he was a partner but  
17 subject to the prior payment of his separate debts.

1 **SEC. 37. Right to wind up.** Unless otherwise agreed the partners  
2 who have not wrongfully dissolved the partnership or the legal rep-  
3 resentative of the last surviving partner, not bankrupt, has the right  
4 to wind up the partnership affairs; provided, however, that any part-  
5 ner, his legal representative or his assignee, upon cause shown, may  
6 obtain winding up by the court.

1 **SEC. 38. Rights of partners to application of partnership property.**

2 1. When dissolution is caused in any way, except in contravention  
3 of the partnership agreement, each partner, as against his co-part-  
4 ners and all persons claiming through them in respect of their inter-  
5 ests in the partnership, unless otherwise agreed, may have the part-  
6 nership property applied to discharge its liabilities, and the surplus  
7 applied to pay in cash the net amount owing to the respective part-  
8 ners. But if dissolution is caused by expulsion of a partner, bona fide  
9 under the partnership agreement and if the expelled partner is dis-  
10 charged from all partnership liabilities, either by payment or agree-  
11 ment under subsection two (2) of section thirty-six (36) of this Act,  
12 he shall receive in cash only the net amount due him from the part-  
13 nership.

14 2. When dissolution is caused in contravention of the partnership  
15 agreement the rights of the partners shall be as follows:

16 a. Each partner who has not caused dissolution wrongfully shall  
17 have:

18 (1) All the rights specified in subsection one (1) of this section,  
19 and

20 (2) The right, as against each partner who has caused the disso-  
21 lution wrongfully, to damages for breach of the agreement.

22 b. The partners who have not caused the dissolution wrongfully,  
23 if they all desire to continue the business in the same name, either  
24 by themselves or jointly with others, may do so, during the agreed  
25 term for the partnership and for that purpose may possess the part-  
26 nership property, provided they secure the payment by bond approved

27 by the court, or pay to any partner who has caused the dissolution  
 28 wrongfully, the value of his interest in the partnership at the dissolu-  
 29 tion, less any damages recoverable under subparagraph two (2) of  
 30 paragraph a of section two (2) of this section, and in like manner  
 31 indemnify him against all present or future partnership liabilities.

32 c. A partner who has caused the dissolution wrongfully shall have:

33 (1) If the business is not continued under the provisions of para-  
 34 graph b of subsection two (2) of this section, all the rights of a part-  
 35 ner under subsection one (1) of this section, subject to subparagraph  
 36 two (2) of paragraph a of subsection two (2) of this section,

37 (2) If the business is continued under paragraph b of subsection  
 38 two (2) of this section the right as against his co-partners and all  
 39 claiming through them in respect of their interests in the partner-  
 40 ship, to have the value of his interest in the partnership, less any  
 41 damages caused to his co-partners by the dissolution, ascertained and  
 42 paid to him in cash, or the payment secured by bond approved by the  
 43 court, and to be released from all existing liabilities of the partner-  
 44 ship; but in ascertaining the value of the partner's interest the value  
 45 of the good-will of the business shall not be considered.

1 **SEC. 39. Rights where partnership is dissolved for fraud or mis-**  
 2 **representation.** Where a partnership contract is rescinded on the  
 3 ground of the fraud or misrepresentation of one of the parties there-  
 4 to, the party entitled to rescind is, without prejudice to any other  
 5 right, entitled:

6 1. To a lien on, or a right of retention of, the surplus of the part-  
 7 nership property after satisfying the partnership liabilities to third  
 8 persons for any sum of money paid by him for the purchase of an  
 9 interest in the partnership and for any capital or advances contrib-  
 10 uted by him; and

11 2. To stand, after all liabilities to third persons have been satisfied,  
 12 in the place of the creditors of the partnership for any payments  
 13 made by him in respect of the partnership liabilities; and

14 3. To be indemnified by the person guilty of the fraud or making  
 15 the representation against all debts and liabilities of the partnership.

1 **SEC. 40. Rules for distribution.** In settling accounts between the  
 2 partners after dissolution, the following rules shall be observed, sub-  
 3 ject to any agreement to the contrary:

4 1. The assets of the partnership are:

5 a. The partnership property,

6 b. The contributions of the partners necessary for the payment of  
 7 all the liabilities specified in subsection two (2) of this section.

8 2. The liabilities of the partnership shall rank in order of payment,  
 9 as follows:

10 a. Those owing to creditors other than partners,

11 b. Those owing to partners other than for capital and profits,

12 c. Those owing to partners in respect of capital,

13 d. Those owing to partners in respect of profits.

14 3. The assets shall be applied in order of their declaration in sub-  
 15 section one (1) of this section to the satisfaction of the liabilities.

16 4. The partners shall contribute, as provided by subsection one (1)  
 17 of section eighteen (18) of this Act, the amount necessary to satisfy  
 18 the liabilities; but if any, but not all of the partners are insolvent, or,

19 not being subject to process, refuse to contribute, the other partners  
20 shall contribute their share of the liabilities, and, in the relative  
21 proportions in which they share the profits, the additional amount  
22 necessary to pay the liabilities.

23 5. An assignee for the benefit of creditors or any person appointed  
24 by the court shall have the right to enforce the contributions specified  
25 in subsection four (4) of this section.

26 6. Any partner or his legal representative shall have the right to  
27 enforce the contributions specified in subsection four (4) of this sec-  
28 tion, to the extent of the amount which he has paid in excess of his  
29 share of the liability.

30 7. The individual property of a deceased partner shall be liable for  
31 the contributions specified in subsection four (4) of this section.

32 8. When partnership property and the individual properties of the  
33 partners are in possession of a court for distribution, partnership  
34 creditors shall have priority on partnership property and separate  
35 creditors on individual property, saving the rights of lien or secured  
36 creditors as heretofore.

37 9. Where a partner has become bankrupt or his estate is insolvent  
38 the claims against his separate property shall rank in the following  
39 order:

- 40 a. Those owing to separate creditors,
- 41 b. Those owing to partnership creditors,
- 42 c. Those owing to partners by way of contribution.

1 **SEC. 41. Liability of persons continuing the business in certain**  
2 **cases.**

3 1. When any new partner is admitted into an existing partnership,  
4 or when any partner retires and assigns, or the representative of the  
5 deceased partner assigns his rights in partnership property to two  
6 or more of the partners, or to one or more of the partners and one or  
7 more third persons, if the business is continued without liquidation  
8 of the partnership affairs, creditors of the first or dissolved partner-  
9 ship are also creditors of the partnership so continuing the business.

10 2. When all but one partner retire and assign, or the representa-  
11 tive of a deceased partner assigns their rights in partnership property  
12 to the remaining partner, who continues the business without liquida-  
13 tion of partnership affairs, either alone or with others, creditors of the  
14 dissolved partnership are also creditors of the person or partnership  
15 so continuing the business.

16 3. When any partner retires or dies and the business of the dis-  
17 solved partnership is continued as set forth in subsections one (1)  
18 and two (2) of this section, with the consent of the retired partners  
19 or the representative of the deceased partner, but without any as-  
20 signment of his right in partnership property, rights of creditors of  
21 the dissolved partnership and of the creditors of the person or part-  
22 nership continuing the business shall be as if such assignment had  
23 been made.

24 4. When all the partners or their representatives assign their rights  
25 in partnership property to one or more third persons who promise to  
26 pay the debts and who continue the business of the dissolved partner-  
27 ship, creditors of the dissolved partnership are also creditors of the  
28 person or partnership continuing the business.

29 5. When any partner wrongfully causes a dissolution and the re-

30 maining partners continue the business under the provisions of para-  
31 graph b of subsection two (2) of section thirty-eight (38) of this Act,  
32 either alone or with others, and without liquidation of the partnership  
33 affairs, creditors of the dissolved partnership are also creditors of the  
34 person or partnership continuing the business.

35 6. When a partner is expelled and the remaining partners continue  
36 the business either alone or with others, without liquidation of the  
37 partnership affairs, creditors of the dissolved partnership are also  
38 creditors of the person or partnership continuing the business.

39 7. The liability of a third person becoming a partner in the part-  
40 nership continuing the business, under this section, to the creditors of  
41 the dissolved partnership shall be satisfied out of partnership prop-  
42 erty only.

43 8. When the business of a partnership after dissolution is continued  
44 under any conditions set forth in this section the creditors of the  
45 dissolved partnership, as against the separate creditors of the retir-  
46 ing or deceased partner or the representative of the deceased partner,  
47 have a prior right to any claim of the retired partner or the repre-  
48 sentative of the deceased partner against the person or partnership  
49 continuing the business, on account of the retired or deceased part-  
50 ner's interest in the dissolved partnership or on account of any con-  
51 sideration promised for such interest or for his right in partnership  
52 property.

53 9. Nothing in this section shall be held to modify any right of cred-  
54 itors to set aside any assignment on the ground of fraud.

55 10. The use by the person or partnership continuing the business  
56 of the partnership name, or the name of a deceased partner as part  
57 thereof, shall not of itself make the individual property of the de-  
58 ceased partner liable for any debts contracted by the person or part-  
59 nership.

1 **SEC. 42. Rights of retiring or estate of deceased partner when the**  
2 **business is continued.** When any partner retires or dies, and the busi-  
3 ness is continued under any of the conditions set forth in subsections  
4 one (1), two (2), three (3), five (5), and six (6) of section forty-  
5 one (41) or paragraph b of subsection two (2) of section thirty-eight  
6 (38) of this Act, without any settlement of accounts as between him  
7 or his estate and the person or partnership continuing the business,  
8 unless otherwise agreed, he or his legal representative as against such  
9 persons or partnership may have the value of his interest at the date  
10 of dissolution ascertained, and shall receive as an ordinary creditor an  
11 amount equal to the value of his interest in the dissolved partnership  
12 with interest, or, at his option or at the option of his legal representa-  
13 tive, in lieu of interest, the profits attributable to the use of his right  
14 in the property of the dissolved partnership; provided that the credi-  
15 tors of the dissolved partnership as against the separate creditors, or  
16 the representative of the retired or deceased partner, shall have prior-  
17 ity on any claim arising under this section, as provided by subsection  
18 eight (8) of section forty-one (41) of this Act.

1 **SEC. 43. Accrual of actions.** The right to an account of his inter-  
2 est shall accrue to any partner, or his legal representative, as against  
3 the winding up partners or the surviving partners or the person or



4 partnership continuing the business, at the date of dissolution, in the  
5 absence of any agreement to the contrary.

1 SEC. 44. Section six hundred twenty-six point thirty-two (626.32),  
2 Code 1971, is amended as follows:

3 **626.32 Joint or partnership property.** When an officer has an ex-  
4 ecution against a person who owns property jointly, *or* in common  
5 [or in partnership] with another, such officer may levy on and take  
6 possession of the property owned jointly, *or* in common [or in part-  
7 nership], sufficiently to enable him to appraise and inventory the  
8 same, and for that purpose shall call to his assistance three disinter-  
9 ested persons, which inventory and appraisal shall be returned  
10 by the officer with the execution, and shall state in his return who  
11 claims to own the property.

1 SEC. 45. Section six hundred thirty-nine point thirty-seven  
2 (639.37), Code 1971, is amended as follows:

3 **639.37 Common, or joint [or partnership] property.** In executing  
4 an attachment against a person who owns property jointly or in com-  
5 mon with another, [or who is a member of a partnership,] the officer  
6 may take possession of such property so owned jointly, *or* in common,  
7 [or in partnership,] sufficiently to enable him to inventory and ap-  
8 praise the same, and for that purpose shall call to his assistance three  
9 disinterested persons; which inventory and appraisal shall be re-  
10 turned by the officer with the attachment, and such return shall state  
11 who claims to own such property.

Approved May 27, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor's note, page iii.

## CHAPTER 252

### DILUTION OF A MARK

S. F. 473

AN ACT relating to remedies for the dilution of the distinctiveness of a mark.

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

1 SECTION 1. Section five hundred forty-eight point eleven (548.11),  
2 subsection two (2), Code 1971, is amended by striking the subsection  
3 and inserting in lieu thereof the following:

4 2. Likelihood of injury to business reputation or to a trade name  
5 valid at common law, or of dilution of the distinctive quality of a  
6 mark, whether registered or not registered under this chapter, shall  
7 be a ground for injunctive relief notwithstanding the absence of com-  
8 petition between the parties or the absence of confusion as to the  
9 source of goods or services.

Approved June 4, 1971.

## CHAPTER 253

## ESCHEAT OF POSTAL SAVINGS

S. F. 325

AN ACT relating to escheat of unclaimed postal savings system accounts.

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

1 SECTION 1. Chapter five hundred fifty-six (556), Code 1971, is  
2 amended by adding the following new division.

## ESCHEAT OF POSTAL SAVINGS SYSTEM ACCOUNTS

1 SEC. 2. **Declaration of escheat.** All postal savings system accounts  
2 created by the deposits of persons whose last known addresses are in  
3 this state which have not been claimed by the persons entitled thereto  
4 before May 1, 1971, are presumed to have been abandoned by their  
5 owners and are declared to escheat and become the property of this  
6 state.

1 SEC. 3. **Obtaining information on accounts.** The treasurer of state  
2 shall request from the bureau of accounts of the United States treas-  
3 ury department records providing the following information: The  
4 names of depositors at the post offices of this state whose accounts are  
5 unclaimed, their last addresses as shown by the records of the post  
6 office department and the balance in each account. He shall agree to  
7 return to the bureau of accounts promptly all account cards showing  
8 last addresses in another state.

1 SEC. 4. **Proceeding to adjudicate escheat.** The treasurer of state  
2 may bring proceedings in the district court for the county where the  
3 state capitol is located to escheat unclaimed postal savings system  
4 accounts held by the United States treasury department. A single  
5 proceeding may be used to escheat as many accounts as may be  
6 available for escheat at one time.

1 SEC. 5. **Notice.** The treasurer of state shall notify depositors  
2 whose accounts are to be escheated as follows:

3 1. A letter advising that a postal savings system account in the  
4 name of the addressee is about to be escheated and setting forth the  
5 procedure by which a deposit may be claimed shall be mailed by first  
6 class mail to the named depositor at the last address shown on the  
7 account records for each account to be escheated having an unpaid  
8 principal balance of more than twenty-five dollars.

9 2. A general notice of intention to escheat postal savings system  
10 accounts shall be published once in each of three successive weeks in  
11 one or more newspapers which combine to provide general circulation  
12 throughout this state.

13 3. A special notice of intention to escheat the unclaimed postal sav-  
14 ings system accounts originally deposited in each post office must be  
15 published once in each of three successive weeks in a newspaper  
16 published in the county in which the post office is located or, if there  
17 is none, in a newspaper having general circulation in the county.  
18 This notice must list the names of the owners of each unclaimed  
19 account to be escheated having a principal balance of three dollars  
20 or more.

1 SEC. 6. **Collection and deposit of funds.** The treasurer of state  
2 shall present a copy of each final judgment of escheat to the United  
3 States treasury department for payment of the principal due and the  
4 interest computed under regulations of the United States treasury  
5 department. The payment received shall be deposited in the general  
6 fund in the state treasury.

1 SEC. 7. **Indemnification of the United States.** This state shall  
2 indemnify the United States for any losses suffered as a result of the  
3 escheat of unclaimed postal savings system accounts. The burden of  
4 the indemnification falls upon the fund into which the proceeds of  
5 the escheated accounts have been paid.

1 SEC. 8. **Short title.** This Act may be cited as the "Escheat of  
2 Postal Savings System Accounts Act".

1 SEC. 9. This Act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the  
3 Marshalltown Times-Republican, a newspaper published in Marshall-  
4 town, Iowa, and in The Grundy Register, a newspaper published in  
5 Grundy Center, Iowa.

Approved May 20, 1971.

I hereby certify that the foregoing Act, Senate File 325, was published in the Marshalltown Times-Republican, Marshalltown, Iowa, May 24, 1971, and in The Grundy Register, Grundy Center, Iowa, May 27, 1971.

MELVIN D. SYNHORST, *Secretary of State*

## CHAPTER 254

### REAL ESTATE MORTGAGES

H. F. 140

AN ACT relating to assignment of real estate mortgages by marginal entry.

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

1 SECTION 1. Section five hundred fifty-eight point forty-four  
2 (558.44), Code 1971, is repealed.

Approved April 1, 1971.

## CHAPTER 255

### AGE REQUIREMENTS FOR MARRIAGE

H. F. 537

AN ACT relating to the age requirement for marriage.

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

1 SECTION 1. Section five hundred ninety-five point two (595.2),  
2 Code 1971, is amended as follows:  
3 595.2 **Age.** A marriage between a male of eighteen and a female  
4 of sixteen years of age is valid; but if either party has not attained the

5 age thus fixed, the marriage will be a nullity or not, at the option of  
6 such party, made known at any time before he or she is six months  
7 older than the age thus fixed.

8 Notwithstanding the foregoing, the district court may, when appli-  
9 cation is made by parties, one or both of whom are under the age thus  
10 fixed and the female of whom is pregnant *or, having given birth to,*  
11 *is still in custody of a child,* grant an order authorizing issuance of a  
12 marriage license by the clerk of the district court to said applicants  
13 and the marriage under such license shall be valid. The records of  
14 the court which pertain to such condition of pregnancy shall be sealed  
15 and available only to the contracting parties or to any interested  
16 party securing an order of court.

Approved June 30, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 256†

### MARRIAGE LICENSES

S. F. 201

AN ACT relating to the issuance of marriage licenses.

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

1 SECTION 1. Section five hundred ninety-five point four (595.4),  
2 Code 1971, is amended as follows:

3 595.4 **Age and qualification—verified application—waiting period—**  
4 **exception.** Previous to the issuance of any license to marry, the parties  
5 desiring such license shall sign and file a verified application with the  
6 clerk of the court which application either may be mailed to the parties  
7 at their request or may be signed by them at the office of the clerk  
8 of the district court in the county in which the license is to be issued.  
9 Such application shall set forth at least one affidavit of some competent  
10 and disinterested person stating such facts as to age and qualification  
11 of the parties as the clerk may deem necessary to determine the com-  
12 petency of the parties to contract a marriage. Upon the filing of the  
13 application for a license to marry, the clerk of the district court shall  
14 file the application in a record kept for that purpose.

15 After expiration of three days from the date of filing the applica-  
16 tion by the parties, the clerk shall issue the license if he is satisfied  
17 as to the competency of the parties to contract a marriage. If the  
18 license has not been issued within one year from the date of the  
19 application, the application shall be void and of no effect.

20 A license to marry may be issued prior to the expiration of three  
21 days from the date of filing the application for such license in cases  
22 of emergency or extraordinary circumstances. An order authorizing  
23 the issuance of such license may be granted by a judge of the district  
24 court under conditions of emergency or extraordinary circumstances  
25 upon application of the parties therefor filed with the clerk of court.  
26 No such order may be granted unless the parties have filed an appli-  
27 cation for a marriage license in a county within the judicial district.

†See Editor's note, page iii.

28 An application for such order shall be made on forms furnished by the  
 29 clerk at the same time the application for the license to marry is made.  
 30 If after examining the application for the marriage license the clerk is  
 31 satisfied as to the competency of the parties to contract a marriage,  
 32 he shall refer the parties to a judge of the district court for action on  
 33 the application for an order authorizing the issuance of a marriage  
 34 license prior to expiration of three days from the date of filing the  
 35 application for the license. The judge shall, if satisfied as to the exist-  
 36 ence of an emergency or extraordinary circumstances, grant an order  
 37 authorizing the issuance of a license to marry prior to the expiration  
 38 of three days from the date of filing the application for the license to  
 39 marry. The clerk shall issue a license to marry upon presentation by  
 40 the parties of the order authorizing such license to be issued. A fee of  
 41 five dollars shall be paid to the clerk at the time the application for the  
 42 order is made, which fee shall be in addition to the fee prescribed by  
 43 law for the issuance of a marriage license.

1 SEC. 2. Section six hundred six point fifteen (606.15), subsection  
 2 twenty-eight (28), Code 1971, is amended by striking such subsection  
 3 and inserting in lieu thereof the following:

4 28. For issuing marriage licenses, five dollars each, and for issuing  
 5 an application for an order of the district court authorizing the issu-  
 6 ance of a license to marry prior to the expiration of three days from  
 7 the date of filing the application for the license, five dollars each.

Approved April 1, 1971.

## CHAPTER 257

### PHYSICAL REQUIREMENTS FOR MARRIAGE LICENSE

H. F. 308

AN ACT relating to physical requirements for marriage license.

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

1 SECTION 1. Section five hundred ninety-six point one (596.1),  
 2 Code 1971, is amended as follows:

3 **596.1 Examination by physician.** In addition to the requirements  
 4 for a marriage license as set out in chapter 595, all persons making  
 5 application for license to marry shall, at any time within twenty days  
 6 prior to such application, be examined by a duly licensed physician in  
 7 this state as to the existence of or freedom from syphilis, and it shall  
 8 be unlawful for the clerk of the district court of any county in this  
 9 state to issue a license to marry, except as otherwise provided in this  
 10 chapter, to any person who fails to present for filing with such clerk  
 11 a certificate signed by such physician setting forth that said person  
 12 to the proposed marriage is either free from syphilis or not in a stage  
 13 whereby it may become communicable as nearly as can be determined  
 14 by [a thorough physical examination and] such standard microscopic  
 15 and serological tests as are necessary for the discovery of syphilis.

1 SEC. 2. Section five hundred ninety-six point two (596.2), Code  
 2 1971, is amended as follows:

3     **596.2 Certificate by physician.** If, on the basis of negative labora-  
 4 tory [and clinical] findings, the physician in attendance finds no  
 5 evidence of syphilis, or if any applicant so infected is not in a stage  
 6 of the disease whereby it may become communicable, said physician  
 7 shall issue a certificate to the examinee to that effect on a form pre-  
 8 scribed by the commissioner of public health and furnished by the  
 9 office of the clerk of the district court. Such certificate of negative  
 10 findings as to each of the parties to a proposed marriage shall be filed  
 11 with the clerk of the district court at the time applicaton for a  
 12 license to marry is made. If the marriage ceremony is to take place  
 13 under the provisions of section 595.17, the certificate required by this  
 14 chapter shall be filed in the office of the clerk of the court in the  
 15 county in which such marriage ceremony is to take place.

1     **SEC. 3.** Section five hundred ninety-six point four (596.4), Code  
 2 1971, is amended as follows:

3     **596.4 Exception as to pregnant women.** Irrespective of the labora-  
 4 tory test results [and clinical examination findings], the clerk of the  
 5 district court shall issue a marriage license to parties to a proposed  
 6 marriage when the woman is pregnant at the time of application, and  
 7 in lieu of the health certificate required under this chapter such clerk  
 8 of the district court is hereby authorized to accept an affidavit on a  
 9 form prescribed by the state department of health, signed by an Iowa  
 10 licensed physician, stating that the woman is pregnant, which affidavit  
 11 shall be sealed and available only to the contracting parties or to any  
 12 interested party securing an order of court.

Approved April 15, 1971.

*Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.*

## CHAPTER 258

### BLOOD DONATION BY MINORS

S. F. 3

AN ACT relating to blood donors.

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

1     **SECTION 1.** Any person eighteen years of age or older may donate  
 2 blood to any voluntary and noncompensatory blood program without  
 3 obtaining parental permission.

Approved January 28, 1971.

## CHAPTER 259

### ADOPTION OF CHILDREN

H. F. 164

AN ACT relating to the adoption of children.

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

1     **SECTION 1.** Chapter six hundred (600), Code 1971, is amended by  
 2 adding sections two (2) through seven (7) of this Act.

1     **SEC. 2. Financial assistance.** The department of social services  
2 shall, within the limits of funds appropriated to the department of  
3 social services and any gifts or grants received by the department for  
4 this purpose, provide financial assistance to any person who adopts a  
5 physically or mentally handicapped, older, or otherwise hard-to-place  
6 child, if the adoptive parent has the capability of providing a suitable  
7 home for the child but the need for special services or the costs of  
8 maintenance are beyond the economic resources of the adoptive parent.

9     1. Financial assistance shall not be provided when the special  
10 services are available free of cost to the adoptive parent or are  
11 covered by an insurance policy of the adoptive parent.

12     2. "Special services" means any medical, dental, therapeutic, edu-  
13 cational, or other similar service or appliance required by an adopted  
14 child by reason of a mental or physical handicap.

1     **SEC. 3. Determination of assistance.** Any prospective adoptive  
2 parent desiring to avail himself of financial assistance shall state  
3 this fact in his petition for adoption. The department of social serv-  
4 ices shall investigate the person petitioning for adoption and the child  
5 and shall file with the court a statement of whether the department  
6 will provide assistance as provided in this Act, the estimated amount,  
7 extent, and duration of assistance, and any other information the  
8 court may order.

9     If the department of social services is unable to determine that an  
10 insurance policy will cover the costs of special services, it shall pro-  
11 ceed as if no policy existed, for the purpose of determining eligibility  
12 to receive assistance. The department shall, to the amount of financial  
13 assistance given, be subrogated to the rights of the adoptive parent  
14 in the insurance contract.

1     **SEC. 4. Amount of assistance.** The amount of financial assistance  
2 for maintenance shall not exceed the amount the department would  
3 normally spend for foster care of the child. The amount of financial  
4 assistance for special services shall not exceed the amount the depart-  
5 ment would normally spend if it were to provide these services.

1     **SEC. 5. Availability of assistance.** Financial assistance shall be  
2 available only if the child to be adopted was under the guardianship  
3 of the state, county, or a licensed child-placing agency immediately  
4 prior to his adoption. The twelve months period of residence in the  
5 proposed home required in section six hundred point two (600.2) of  
6 the Code shall not apply to this section.

1     **SEC. 6. Termination of assistance.** Financial assistance shall term-  
2 inate when the need for assistance no longer exists. Financial assist-  
3 ance shall not extend beyond the adopted child's twenty-first birthday.

1     **SEC. 7. Rules and regulations.** The department of social services  
2 shall adopt rules and regulations in accordance with the provisions  
3 of chapter seventeen A (17A) of the Code, which are necessary for  
4 the administration of this Act.

5     The department of social services shall report to the general assem-  
6 bly by April 1, 1972, a cost benefit analysis of financial assistance  
7 provided under this Act.

1 SEC. 8. Chapter six hundred twenty-seven (627), Code 1971, is  
2 amended by adding the following new section:

3 **“Adopted child assistance.** Any financial assistance due or that may  
4 become due, under the provisions of sections two (2) through seven  
5 (7), inclusive, of this Act shall be exempt from garnishment, attach-  
6 ment, and execution.”

1 SEC. 9. Section four hundred twenty-two point nine (422.9), sub-  
2 section two (2), Code 1971, is amended by adding the following new  
3 paragraph:

4 Add the amount by which expenses paid or incurred in connection  
5 with the adoption of a child by the taxpayer exceed three percent of the  
6 net income of the taxpayer, or of the taxpayer and spouse in the case  
7 of a joint return. The expenses may include medical and hospital  
8 expenses of the natural mother which are incident to the child’s birth  
9 and are paid by the taxpayer, welfare agency fees, legal fees, and all  
10 other fees and costs relating to the adoption of a child if the child is  
11 placed by a child-placing agency licensed under chapter two hundred  
12 thirty-eight (238) of the Code.

Approved June 30, 1971.

## CHAPTER 260

### MUNICIPAL JUDGES

H. F. 225

AN ACT relating to municipal judges.

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

1 SECTION 1. Section six hundred two point five (602.5), Code 1971,  
2 is amended as follows:

3 **602.5 Number of judges.** In any municipal court district having a  
4 population of less than forty thousand, wherein a municipal court has  
5 been established, there shall be one municipal judge; in districts hav-  
6 ing more than forty thousand and less than sixty thousand inhabi-  
7 tants, there shall be two municipal judges; in districts having more  
8 than sixty thousand inhabitants there shall be one municipal judge  
9 for each [forty] *thirty-five* thousand inhabitants or major fraction  
10 thereof, but no district shall have more than four judges.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
However, see Editor’s note, page iii.

## CHAPTER 261

### JUDICIAL DISTRICTS

S. F. 417

AN ACT relating to judicial redistricting and judicial nominating commissions.

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

1 SECTION 1. Section six hundred four point eight (604.8), Code  
2 1971, is amended by striking all of such section before subsection one



3 (1) and inserting in lieu thereof the following:

4 "For all judicial purposes except as provided by this Act the state  
5 is divided into eight judicial districts as follows:

6 The first district shall consist of the counties of Dubuque, Delaware,  
7 Clayton, Allamakee, Winneshiek, Chickasaw, Fayette, Buchanan, Black  
8 Hawk, Howard, and Grundy.

9 The second district shall consist of the counties of Mitchell, Floyd,  
10 Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, Franklin,  
11 Wright, Humboldt, Pocahontas, Sac, Calhoun, Webster, Hamilton,  
12 Carroll, Greene, Hardin, Marshall, Story, and Boone.

13 The third district shall consist of the counties of Kossuth, Emmet,  
14 Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee, Buena  
15 Vista, Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

16 The fourth district shall consist of the counties of Harrison, Shelby,  
17 Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, and  
18 Page.

19 The fifth district shall consist of the counties of Guthrie, Dallas,  
20 Polk, Jasper, Madison, Warren, Marion, Adair, Adams, Union, Clarke,  
21 Lucas, Taylor, Ringgold, Decatur, and Wayne.

22 The sixth district shall consist of the counties of Tama, Benton,  
23 Linn, Jones, Iowa, and Johnson.

24 The seventh district shall consist of the counties of Jackson, Clin-  
25 ton, Cedar, Scott, and Muscatine.

26 The eighth district shall consist of the counties of Poweshiek, Ma-  
27 haska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose,  
28 Davis, Van Buren, Louisa, Henry, Des Moines, and Lee.

29 For purposes of nomination, appointment, and election of judges  
30 and application of the provisions of subsections two (2) through eight  
31 (8) of section six hundred four point eight (604.8) of the Code,  
32 judicial election districts are established. They shall include the  
33 fourth, sixth, and seventh districts as above set forth, but the other  
34 election districts shall be as follows:

35 Election district 1A shall consist of the counties of Dubuque,  
36 Delaware, Clayton, Allamakee and Winneshiek. Election district 1B  
37 shall consist of the counties of Chickasaw, Fayette, Buchanan, Black  
38 Hawk, Howard, and Grundy.

39 Election district 2A shall consist of the counties of Mitchell, Floyd,  
40 Butler, Bremer, Worth, Winnebago, Hancock, Cerro Gordo, and Frank-  
41 lin. Election district 2B shall consist of the counties of Wright, Hum-  
42 boldt, Pocahontas, Sac, Calhoun, Webster, Hamilton, Carroll, Greene,  
43 Hardin, Marshall, Story, and Boone.

44 Election district 3A shall consist of the counties of Kossuth, Emmet,  
45 Dickinson, Osceola, Lyon, O'Brien, Clay, Palo Alto, Cherokee, and  
46 Buena Vista. Election district 3B shall consist of the counties of  
47 Plymouth, Sioux, Woodbury, Ida, Monona, and Crawford.

48 Election district 5A shall consist of the counties of Guthrie, Dallas,  
49 Polk, Jasper, Madison, Warren, and Marion. Election district 5B  
50 shall consist of the counties of Adair, Adams, Union, Clarke, Lucas,  
51 Taylor, Ringgold, Decatur, and Wayne.

52 Election district 8A shall consist of the counties of Poweshiek, Ma-  
53 haska, Keokuk, Washington, Monroe, Wapello, Jefferson, Appanoose,  
54 Davis, and Van Buren. Election district 8B shall consist of the coun-  
55 ties of Louisa, Henry, Des Moines, and Lee."

1 SEC. 2. Section forty-six point three (46.3), Code 1971, is amended  
 2 by striking the section and inserting in lieu thereof the following:  
 3 **46.3 Appointment of district judicial nominating commissioners.**  
 4 In January 1972 the governor shall appoint five electors of each judicial  
 5 election district to the district judicial nominating commission for  
 6 terms commencing February 1, 1972. He shall appoint two such  
 7 commissioners to serve until January 31, 1974, two to serve until  
 8 January 31, 1976, and one to serve until January 31, 1978. In the  
 9 month of January when each of those terms expire and every six  
 10 years thereafter the governor shall appoint district judicial nominat-  
 11 ing commissioners for six-year terms.

1 SEC. 3. Section forty-six point four (46.4), Code 1971, is amended  
 2 by striking the section and inserting in lieu thereof the following:  
 3 **46.4 Election of district judicial nominating commissioners.** In  
 4 January 1972 the resident members of the bar of each judicial elec-  
 5 tion district shall elect five electors of the district to the district judi-  
 6 cial nominating commission for terms commencing February 1, 1972.  
 7 One of such commissioners shall serve until January 31, 1974, two  
 8 until January 31, 1976, and two until January 31, 1978, as determined  
 9 by lot by such commissioners. In the month of January when each  
 10 of those terms expire and every six years thereafter such members  
 11 of the bar of the respective judicial election districts shall elect dis-  
 12 trict nominating commissioners for six-year terms.

1 SEC. 4. **Termination of office of present commissioners.** The terms  
 2 of office of all district judicial nominating commissioners in Iowa who  
 3 are in office on December 31, 1971, shall terminate on that date.

1 SEC. 5. **Effective date of sections.** Sections one (1), two (2) and  
 2 three (3) of this Act shall take effect on January 1, 1972.

Approved April 29, 1971.

## CHAPTER 262

### JUDICIAL RETIREMENT—SURVIVING SPOUSE

S. F. 550

AN ACT relating to the judicial retirement system.

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

1 SECTION 1. Section six hundred five A point five (605A.5), Code  
 2 1971, is amended as follows:

3 **605A.5 Qualification conditions.** No person, *except the survivor*  
 4 *of a person qualified to receive an annuity*, shall be entitled to receive  
 5 an annuity under this chapter unless he shall have contributed, as  
 6 herein provided, to the judicial retirement fund for the entire period  
 7 of his service as a judge of one or more of the courts included in this  
 8 chapter.

1 SEC. 2. Section six hundred five A point eight (605A.8), Code  
 2 1971, is amended as follows:

3 **605A.8 Individual accounts—refunding.** The amounts deducted

4 and withheld from the basic salary of each judge of the municipal,  
 5 superior, district or supreme court for the credit of the judicial re-  
 6 tirement fund and all amounts paid into such fund by each judge shall  
 7 be credited to the individual account of such judge. In the event a  
 8 judge of the municipal, superior, district or supreme court becomes  
 9 separated from service as such judge before he completes an aggre-  
 10 gate of six years of service as a judge of one or more of such courts,  
 11 the total amount of his contribution to the fund shall be returned to  
 12 said judge or his legal representatives, and in the event a judge who  
 13 has completed an aggregate of six years or more of service as a judge  
 14 of one or more of such courts, dies before retirement, *without a sur-*  
 15 *ivor*, the total amount of his contribution to the fund shall be paid  
 16 in one sum to his legal representatives, and in the event an annui-  
 17 tant under this section dies *without a survivor*, without having re-  
 18 ceived in annuities an amount equal to the total amount remaining  
 19 to his credit at the time of his separation from service, the amount  
 20 remaining to his credit shall be paid in one sum to his legal repre-  
 21 sentatives.

1 SEC. 3. Section six hundred five A point ten (605A.10), Code  
 2 1971, is amended as follows:

3 **605A.10 Other public employment prohibited.** No annuity shall  
 4 be paid to any person, *except a survivor*, entitled to receive an annu-  
 5 ity hereunder while he is serving as a state officer or employee.

1 SEC. 4. Chapter six hundred five A (605A), Code 1971, is amended  
 2 by adding the following new section:

3 The survivor of a judge who was qualified for retirement compensa-  
 4 tion under the system at the time of his death, is entitled to receive  
 5 an annuity of one-half the amount of the annuity the judge was re-  
 6 ceiving or would have been entitled to receive at the time of his  
 7 death, or if the judge died before age sixty-five, then one-half of the  
 8 amount he would have been entitled to receive at age sixty-five  
 9 based on his years of service. Such annuity shall begin on the  
 10 judge's death, or on the date the judge would have been sixty-five if  
 11 he died earlier than age sixty-five, or upon the survivor reaching age  
 12 sixty, whichever is later.

13 For the purposes of this chapter "survivor" means the surviving  
 14 spouse of a person who was a judge, if married to the judge for at  
 15 least five years next preceding his death, but does not include a sur-  
 16 viving spouse who remarries.

17 In the event the judge dies leaving a survivor but without receiv-  
 18 ing in annuities an amount equal to his credit, the balance shall be  
 19 credited to the account of his survivor, and if the survivor dies with-  
 20 out remarrying and without receiving in annuities an amount equal  
 21 to said balance, the amount then remaining shall be paid to the sur-  
 22 vivor's legal representative.

Approved June 30, 1971.

## CHAPTER 263†

## MECHANIC'S LIEN FILING FEE

S. F. 36

AN ACT to increase cost of filing of a mechanic's lien.

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

1 SECTION 1. Section six hundred six point fifteen (606.15), subsec-  
 2 tion twelve (12), Code 1971, is amended as follows:

3 12. For filing and properly entering and endorsing each mechanic's  
 4 lien, three dollars, and in case a suit is brought thereon, the same to  
 5 be taxed as other costs in the action.

Approved January 28, 1971.

## CHAPTER 264†

## EXCUSE OF JURORS

S. F. 103

AN ACT relating to excuse of jurors.

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

1 SECTION 1. Section six hundred seven point three (607.3), Code  
 2 1971, is amended as follows:

3 607.3 Jurors excused. Any person may be excused from serving on  
 4 a jury when his own interests or those of the public will be materially  
 5 injured by his attendance, or when the state of his own health, or the  
 6 death or sickness of a member of his family, requires his absence from  
 7 court; provided, however, that the court may, in its discretion, excuse  
 8 any one or more of the jurors for any cause which to the court may  
 9 seem advisable or may excuse any juror temporarily to serve with a  
 10 succeeding petit jury panel within the same jury list.

1 SEC. 2. Section six hundred seven point two (607.2), subsection  
 2 two (2), Code 1971, is amended as follows:

3 2. Practicing attorneys, physicians, licensed embalmers, registered  
 4 nurses, chiropractors, osteopaths, veterinarians, registered pharma-  
 5 cists, dentists, and clergymen, including Christian Science practition-  
 6 ers and readers.

Approved March 23, 1971.

†See Editor's note, page iii.

## CHAPTER 265

## SECOND GRAND JURY

S. F. 133

AN ACT relating to the establishment of a second grand jury and to the appointment of additional clerks of the grand jury.

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

1 SECTION 1. Section six hundred nine point twenty-five (609.25),  
 2 Code 1971, is amended as follows:

3     **609.25 Grand jury panel.** A grand jury panel of twelve persons  
 4 shall be drawn by the said commissioners from the grand jury box  
 5 on the last secular Monday of December preceding the new calendar  
 6 year, and shall be drawn in the same manner and under the same  
 7 conditions, except as otherwise provided, as are specified for the draw-  
 8 ing of said petit jury panel. Such grand jury panel shall constitute  
 9 the panel from which to select the grand jurors for one year.

10     *A majority of the judges of the district court may order a second*  
 11 *panel of twelve persons to be drawn in like manner from which a*  
 12 *second grand jury may be selected. Such second grand jury shall*  
 13 *serve on matters assigned to it by the foreman of the first grand jury*  
 14 *and it shall be served by the same clerk and staff, but otherwise it*  
 15 *shall be governed by the same law as in the case of the original grand*  
 16 *jury panel and grand jury.*

1     **SEC. 2.** Section seven hundred seventy point twenty-two (770.22),  
 2 Code 1971, is amended as follows:

3     **770.22 Assistant clerk.** In addition thereto the court may, if it  
 4 deems it necessary, appoint [an] assistant [clerk] *clerks* of the grand  
 5 jury and fix [his] *their* salary therefor.

Approved April 15, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 266

### NONRESIDENT SERVICE OF PROCESS

#### S. F. 225

AN ACT relating to the definition of a nonresident for the purpose of making service of process.

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

1     **SECTION 1.** Section six hundred seventeen point three (617.3), un-  
 2 numbered paragraph two (2), Code 1971, is amended as follows:

3     If a foreign corporation makes a contract with a resident of Iowa  
 4 to be performed in whole or in part by either party in Iowa, or if  
 5 such foreign corporation commits a tort in whole or in part in Iowa  
 6 against a resident of Iowa, such acts shall be deemed to be doing  
 7 business in Iowa by such foreign corporation for the purpose of serv-  
 8 ice of process or original notice on such foreign corporation under  
 9 this section, and, if the corporation does not have a registered agent  
 10 or agents in the state of Iowa, shall be deemed to constitute the ap-  
 11 pointment of the secretary of state of the state of Iowa to be its true  
 12 and lawful attorney upon whom may be served all lawful process or  
 13 original notice in actions or proceedings arising from or growing out  
 14 of such contract or tort. If a nonresident person makes a contract  
 15 with a resident of Iowa to be performed in whole or in part by either  
 16 party in Iowa, or if such person commits a tort in whole or in part in  
 17 Iowa against a resident of Iowa, such acts shall be deemed to be doing  
 18 business in Iowa by such person for the purpose of service of process

19 or original notice on such person under this section, and shall be  
 20 deemed to constitute the appointment of the secretary of state of the  
 21 state of Iowa to be the true and lawful attorney of such person upon  
 22 whom may be served all lawful process or original notice in actions  
 23 or proceedings arising from or growing out of such contract or tort.  
 24 The term "nonresident person" shall include any person who was, at  
 25 the time of the *contract or tort*, a resident of the state of Iowa but  
 26 who removed from the state before the commencement of such action  
 27 or proceedings and ceased to be a resident of Iowa or, a resident who  
 28 has remained continuously absent from the state for at least a period  
 29 of six months following commission of the tort. The making of the  
 30 contract or the committing of the tort shall be deemed to be the agree-  
 31 ment of such corporation or such person that any process or original  
 32 notice so served shall be of the same legal force and effect as if served  
 33 personally upon such defendant within the state of Iowa. The term  
 34 "resident of Iowa" shall include any Iowa corporation, any foreign  
 35 corporation holding a certificate of authority to transact business in  
 36 Iowa, any individual residing in Iowa, and any partnership or asso-  
 37 ciation one or more of whose members is a resident of Iowa.

Approved April 26, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.

## CHAPTER 267†

### COURT REPORTERS' NOTES

#### H. F. 42

AN ACT relating to shorthand notes of court reporters.

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

1 SECTION 1. Section six hundred twenty-two point fifty-two  
 2 (622.52), Code 1971, is amended as follows:  
 3 622.52 **Judicial record—state or federal courts.** A judicial record  
 4 of this state, including the filed certified shorthand notes of the official  
 5 court reporter as transcribed, or any court of the United States may  
 6 be proved by the production of the original, or a copy thereof certified  
 7 by the clerk or person having the legal custody thereof, authenticated  
 8 by his seal of office, if he has one.

Approved February 12, 1971.

†See Editor's note, page iii.

## CHAPTER 268

### PAYMENT OF COURT COSTS

#### H. F. 675

AN ACT relating to the payment of court costs.

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

1 SECTION 1. Section six hundred twenty-five point eighteen  
 2 (625.18), Code 1971, is amended as follows:

3 **625.18 Bill of costs on appeal.** In cases of appeals from [the district]  
 4 *a trial court*, the *supreme court* clerk, if final judgment is rendered  
 5 in the supreme court, shall make a complete bill of costs in [the court  
 6 below] *that court* which shall be filed in the office of the clerk of the  
 7 [supreme] *trial court* and taxed with the costs in the action therein.

1 SEC. 2. Section six hundred twenty-five point nineteen (625.19),  
 2 Code 1971, is amended as follows:

3 **625.19 Costs in supreme court.** When the costs accrued in the  
 4 supreme court and the *trial court* [below] are paid to the clerk of the  
 5 [supreme] *trial court*, he shall pay so much of them as accrued in the  
 6 *supreme court* [below] to the clerk of said court, and take his receipt  
 7 therefor.

1 SEC. 3. Section six hundred twenty-five point twenty (625.20),  
 2 Code 1971, is amended as follows:

3 **625.20 Duty of clerk [below].** On receiving such costs, the clerk  
 4 of the *supreme court* [below] shall charge himself with the money and  
 5 pay it to the persons entitled thereto.

Approved June 30, 1971.

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes.  
 However, see Editor's note, page iii.

## CHAPTER 269

### PRIVATE FOUNDATIONS AND CHARITABLE TRUSTS

#### S. F. 347

AN ACT relating to private foundations and charitable trusts.

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

1 SECTION 1. This Act shall apply only to trusts which are private  
 2 foundations as defined in section five hundred nine (509) of the Inter-  
 3 nal Revenue Code of 1954, charitable trusts as described in section four  
 4 thousand nine hundred forty-seven (4947) (a) (1) of the Internal  
 5 Revenue Code of 1954, or split-interest trusts as described in section  
 6 four thousand nine hundred forty-seven (4947) (a) (2) of the Internal  
 7 Revenue Code of 1954. With respect to any such trust created after  
 8 December 31, 1969, this Act shall apply from such trust's creation.  
 9 With respect to any such trust created before January 1, 1970, this  
 10 Act shall apply only to such trust's federal taxable years beginning  
 11 after December 31, 1971.

1 SEC. 2. The trust instrument of each trust to which this Act ap-  
 2 plies shall be deemed to contain provisions prohibiting the trustee  
 3 from:

4 1. Engaging in any act of self-dealing, as defined in section four  
 5 thousand nine hundred forty-one (4941) (d) of the Internal Revenue  
 6 Code of 1954, which would give rise to any liability for the tax im-  
 7 posed by section four thousand nine hundred forty-one (4941) (a) of  
 8 the Internal Revenue Code of 1954;

9 2. Retaining any excess business holdings, as defined in section  
 10 four thousand nine hundred forty-three (4943) (c) of the Internal

11 Revenue Code of 1954, which would give rise to any liability for the  
12 tax imposed by section four thousand nine hundred forty-three (4943)  
13 (a) of the Internal Revenue Code of 1954;

14 3. Making any investments which would jeopardize the carrying  
15 out of any of the exempt purposes of the trust, within the meaning  
16 of section four thousand nine hundred forty-four (4944) of the In-  
17 ternal Revenue Code of 1954, so as to give rise to any liability for  
18 the tax imposed by section four thousand nine hundred forty-four  
19 (4944) (a) of the Internal Revenue Code of 1954; and

20 4. Making any taxable expenditures, as defined in section four  
21 thousand nine hundred forty-five (4945) (d) of the Internal Revenue  
22 Code of 1954, which would give rise to any liability for the tax im-  
23 posed by section four thousand nine hundred forty-five (4945) (a) of  
24 the Internal Revenue Code of 1954.

25 However, this section shall not apply either to those split-interest  
26 trusts or to amounts thereof which are not subject to the prohibitions  
27 applicable to private foundations by reason of the provisions of sec-  
28 tion four thousand nine hundred forty-seven (4947) of the Internal  
29 Revenue Code of 1954.

1 SEC. 3. The trust instrument of each trust to which this Act  
2 applies, except split-interest trusts, shall be deemed to contain a pro-  
3 vision requiring the trustee to distribute for the purposes specified in  
4 the trust instrument for each taxable year of the trust amounts at  
5 least sufficient to avoid liability for the tax imposed by section four  
6 thousand nine hundred forty-two (4942) (a) of the Internal Revenue  
7 Code of 1954.

1 SEC. 4. Nothing in this Act shall impair the rights and powers of  
2 the courts or the attorney general of this state with respect to any  
3 trust.

1 SEC. 5. All references to sections of the Internal Revenue Code  
2 of 1954 shall mean the Code as amended to and including January  
3 1, 1971.

1 SEC. 6. Nothing in this Act shall limit the power of a person who  
2 creates a trust after the effective date of this Act or the power of a  
3 person who has retained or has been granted the right to amend a  
4 trust created before the effective date of this Act, to include a specific  
5 provision in the trust instrument or an amendment to the trust in-  
6 strument as the case may be, which provides that some or all of the  
7 provisions of sections two (2) and three (3) of this Act shall have  
8 no application to such trust.

Approved April 26, 1971.



## CHAPTER 270

## GARNISHMENT OF WAGES

S. F. 280

AN ACT relating to garnishment of wages, liability for costs, and discharge of employees.

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

1 SECTION 1. Chapter six hundred forty-two (642), Code 1971, is  
2 amended by adding the following new section:

3 "1. The disposable earnings of an individual shall be exempt from  
4 garnishment to the extent provided by the federal Consumer Credit  
5 Protection Act, Title III. The term "Consumer Protection Act" means  
6 the Act of Congress approved May 29, 1968, 82 Stat. 163, officially  
7 cited as the "Consumer Credit Protection Act, Title III." The maxi-  
8 mum amount of an employee's earnings which may be garnished  
9 during any one calendar year is two hundred fifty (250) dollars for  
10 each judgment creditor, except as provided in section 627.12 of the  
11 Code.

12 2. No employer shall:

13 a. Withhold from the earnings of an individual an amount greater  
14 than that provided by law.

15 b. Dispose of garnished wages in any manner other than ordered  
16 by a court of law.

17 c. Discharge an individual by reason of his earnings having been  
18 subject to garnishment for indebtedness.

19 d. Be held liable for an amount not earned at the time of the serv-  
20 ice of notice of garnishment or for the costs of a garnishment action.

21 3. For the purpose of this section:

22 a. The term "earnings" means compensation paid or payable for  
23 personal services, whether denominated as wages, salary, commission,  
24 bonus, or otherwise, and includes periodic payments pursuant to a  
25 pension or retirement program.

26 b. The term "disposable earnings" means that part of the earnings  
27 of any individual remaining after the deduction from those earnings  
28 of any amounts required by law to be withheld."

1 SEC. 2. Section six hundred twenty-seven point ten (627.10), Code  
2 1971, is repealed.

Approved June 4, 1971.

## CHAPTER 271

## CONTEMPT IN PATERNITY CASES

H. F. 546

AN ACT relating to contempt actions in paternity cases.

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

1 SECTION 1. Chapter six hundred seventy-five (675), Code 1971, is  
2 amended by adding the following new section:

3     **“Contempt.** If the father fails to comply with or violates the terms  
 4 or conditions of a support order made pursuant to the provisions of  
 5 this chapter, he shall be punished by the court in the same manner  
 6 and to the same extent as is provided by law for a contempt of such  
 7 court in any other suit or proceeding cognizable by such court.”

Approved June 30, 1971.

## CHAPTER 272

### SECURED INTEREST IN COLLATERAL

S. F. 105

AN ACT making the embezzlement of secured interests in collateral a crime and providing a penalty therefor.

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

1     SECTION 1. Section seven hundred ten point twelve (710.12), Code  
 2 1971, is amended by striking the section and inserting in lieu thereof  
 3 the following:

4     **710.12 Embezzlement of secured interest in collateral—penalty.**  
 5 If any debtor who has given a security interest in collateral willfully  
 6 and with intent to defraud, destroys, conceals, sells, or in any manner  
 7 disposes of the collateral while the security interest remains unsatis-  
 8 fied and without the written consent of the secured party, he shall be  
 9 guilty of larceny and punished accordingly.

Approved March 16, 1971.

## CHAPTER 273

### FALSE USE OF CREDIT CARDS

#### AND WIRE SERVICES

H. F. 132

AN ACT relating to the penalties for false use of credit cards and fraudulent use of wire services.

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

1     SECTION 1. Section seven hundred thirteen point forty-two  
 2 (713.42), Code 1971, is amended by striking the section and inserting  
 3 in lieu thereof the following:

4     **713.42 Penalty.** Any person who violates section seven hundred  
 5 thirteen point thirty-nine (713.39) or section seven hundred thirteen  
 6 point forty (713.40) of the Code and the amount of credit obtained or  
 7 attempted to be obtained, or the amount of purchase or attempted  
 8 purchase, or the amount of service obtained or attempted to be ob-  
 9 tained, does not exceed one hundred dollars shall be guilty of a mis-  
 10 demeanor and upon conviction shall be punished by a fine of not more  
 11 than one hundred dollars, or imprisonment for not more than thirty  
 12 days. If the amount of credit obtained or attempted to be obtained,

13 or the amount of purchase or attempted purchase, or the amount  
 14 of service obtained or attempted to be obtained, exceeds one hundred  
 15 dollars, the person shall be guilty of a felony and shall be punished  
 16 by imprisonment in the penitentiary not more than five years, or in  
 17 the county jail not more than one year, or by a fine of not more than  
 18 one thousand dollars, or by both such fine and imprisonment. If the  
 19 service or credit is so obtained by a series of acts the total amount of  
 20 the service or credit shall be considered as obtained in one act and  
 21 shall be punished accordingly.

Approved May 28, 1971.

CHAPTER 274  
 CRIMINAL TRESPASS  
 S. F. 188

AN ACT to define criminal trespass and to prescribe the penalty for such trespass.

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

1 SECTION 1. **Criminal trespass.** Definitions:

2 1. The term "property" shall include any land, dwelling, building,  
 3 conveyance, vehicle, or other temporary or permanent structure  
 4 whether publicly or privately owned.

5 2. The term "trespass" shall mean one or more of the following  
 6 acts.

7 a. Entering upon or in property without legal justification or with-  
 8 out the implied or actual permission of the owner, lessee, or person  
 9 in lawful possession with the intent to commit a public offense or to  
 10 use, remove therefrom, alter, damage, harass, or place thereon or  
 11 therein anything animate or inanimate, without the implied or actual  
 12 permission of the owner, lessee, or person in lawful possession.

13 b. Entering or remaining upon or in property without legal justi-  
 14 fication after being notified or requested to abstain from entering or  
 15 to remove or vacate therefrom by the owner, lessee, or person in law-  
 16 ful possession, or the agent or employee of the owner, lessee, or per-  
 17 son in lawful possession, or by any peace officer, magistrate, or public  
 18 employee whose duty it is to supervise the use or maintenance of  
 19 the property.

20 c. Entering upon or in property for the purpose or with the effect  
 21 of unduly interfering with the lawful use of the property by others.

22 d. Being upon or in property and using, removing therefrom, alter-  
 23 ing, damaging, harassing, or placing thereon or therein anything  
 24 animate or inanimate, without the implied or actual permission of  
 25 the owner, lessee, or person in lawful possession.

1 SEC. 2. Any person who shall knowingly trespass upon the prop-  
 2 erty of another is guilty of a public offense and upon conviction shall  
 3 be punished by a fine not to exceed one hundred dollars or by im-  
 4 prisonment in the county jail for a term not to exceed thirty days.

1 SEC. 3. Any person committing a trespass as defined in section  
 2 one (1) of this Act resulting in injury to any person or damage in an

3 amount of more than one hundred dollars to anything, animate or  
 4 inanimate, located thereon or therein shall be punished by a fine not  
 5 to exceed three hundred dollars or by imprisonment in the county  
 6 jail not to exceed six months or by both such fine and imprisonment.

1 SEC. 4. Sections seven hundred forty-four point three (744.3),  
 2 and seven hundred forty-six point four (746.4), Code 1971, are re-  
 3 pealed.

1 SEC. 5. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in the  
 3 Creston News-Advertiser, a newspaper published in Creston, Iowa,  
 4 and in the Marshalltown Times-Republican, a newspaper published in  
 5 Marshalltown, Iowa.

Approved May 17, 1971.

I hereby certify that the foregoing Act, Senate File 188, was published in the Creston News-Advertiser, Creston, Iowa, May 20, 1971, and in the Marshalltown Times-Republican, Marshalltown, Iowa, May 20, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 275

### PROTECTIVE EYEGLASSES

S. F. 289

AN ACT relating to providing protective eyeglass lens and frames and providing a penalty.

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

1 SECTION 1. No person shall fabricate, distribute, sell, exchange or  
 2 deliver, or have in his possession with the intent to distribute, sell,  
 3 exchange or deliver, any eyeglasses or sunglasses unless they are  
 4 fitted with plastic lenses or laminated lenses or heat-treated glass  
 5 lenses, except in those cases where a duly-licensed physician or optom-  
 6 etrist, having found that such lenses will not fulfill the visual require-  
 7 ments of a particular patient, directs in writing the use of other  
 8 lenses, and gives written notification thereof to the patient. Glass  
 9 lenses shall have an optical center of not less than two millimeters,  
 10 with an average thickness between the center and the thinnest edge  
 11 of not less than one point seven millimeters and with an edge thick-  
 12 ness of not less than one millimeter at the thinnest point of the  
 13 edged lens. Before they are mounted in frames, all plastic and heat-  
 14 treated glass lenses shall be capable of withstanding an impact test  
 15 of a five-eighths inch steel ball dropped fifty inches. This test to be  
 16 conducted at room temperature, with the lens supported by a plastic  
 17 tube one inch inside diameter, one and one-fourth inch outside diam-  
 18 eter, with a one-eighth inch by one-eighth inch neoprene gasket on  
 19 top edge.

20 No person shall fabricate, distribute, sell, exchange or deliver, or  
 21 have in his possession with intent to distribute, sell, exchange or  
 22 deliver any eyeglass frame or sunglass frame containing any form of  
 23 cellulose nitrate or other highly flammable materials.

24 Any person violating either provision of this law shall upon con-  
 25 viction be punished by a fine of not less than five hundred dollars  
 26 for each violation.

Approved May 24, 1971.

## CHAPTER 276

### WAIVER OF JURY IN INDICTABLE MISDEMEANORS

H. F. 393

AN ACT relating to waiver of right to jury trial in indictable misdemeanor cases.

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

1 SECTION 1. Section seven hundred seventy-seven point sixteen  
 2 (777.16), Code 1971, is amended as follows:

3 777.16 **Issues of fact—trial.** An issue of fact arises on a plea of  
 4 not guilty or of former conviction or acquittal, and no further  
 5 pleading is necessary. Issues of fact must be tried by a jury, *unless*  
 6 *right to jury trial is waived by defendant pursuant to section seven*  
 7 *hundred eighty point twenty-three (780.23) of the Code.*

1 SEC. 2. Section seven hundred eighty point twenty-three (780.23),  
 2 Code 1971, is amended by adding the following:

3 "However, when the punishment prescribed for a public offense  
 4 does not exceed the punishment provided in section six hundred eighty-  
 5 seven point seven (687.7) of the Code, the defendant may waive his  
 6 right to jury trial by signing a statement which contains a written  
 7 explanation fully apprising the defendant of his right to a jury trial.  
 8 The statement shall be read to the defendant by the presiding judge  
 9 in open court. The presiding judge shall determine if the defendant  
 10 is fully aware of the fact that he is waiving his right to a jury trial  
 11 and if satisfied that the defendant is aware of such fact, the defendant  
 12 shall be allowed to sign the waiver which shall be filed as part of the  
 13 court record."

Approved June 30, 1971.

**SPECIAL AND LEGALIZING ACTS**

## SPECIAL AND LEGALIZING ACTS

### CHAPTER 277

#### LAND PATENT TO THE UNITED STATES

##### H. F. 742

AN ACT to authorize and direct the issuance of a patent to certain real estate by the governor and secretary of state to the United States of America.

WHEREAS, it appears of record that on December 14, 1966, the state of Iowa issued Patent No. 932 to a certain tract of land lying in the southwest quarter (SW $\frac{1}{4}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of section thirty-four (34), township eighty-two north (T 82 N), range twenty-six (26) west of the Fifth (5th) Principal Meridian, Boone county, Iowa, together with all of the state's right, title, and interest in and to certain leases and easements individually listed therein by date and name of grantor; and

WHEREAS, the tract of land conveyed by Patent No. 932 comprised the old wellfield site which was formerly the source of water supply to the Woodward State Hospital School and the leases and easements conveyed were acquired by the state of Iowa to provide a right-of-way to lay and maintain a water main or pipeline from the old wellfield to the Woodward State Hospital School; and

WHEREAS, it appears that through error or oversight that the right, title and interest of the state of Iowa in and to a right-of-way to lay and maintain a water main or pipeline with appurtenances over Government Lot 8 and the southwest quarter (SW $\frac{1}{4}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of section thirty-four (34), and the northeast quarter (NE $\frac{1}{4}$ ) of the southeast quarter (SE $\frac{1}{4}$ ) of section thirty-three (33), all in township eighty-two north (T 82 N), range twenty-six west of the Fifth (5th) Principal Meridian, Boone county, Iowa, acquired by the state of Iowa by condemnation proceedings dated June 23, 1922, filed June 24, 1922, and recorded in Book 201, Page 74, Boone County Records, was not included in the list of easements conveyed by said Patent No. 932 to the United States of America; and

WHEREAS, the United States of America is entitled to have said land free from any claims of the state of Iowa; NOW THEREFORE,

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

- 1 SECTION 1. The governor and secretary of state are hereby au-
- 2 thorized and directed to execute and deliver to the United States of
- 3 America a patent conveying the real property hereinafter described,
- 4 to wit:
- 5 A right-of-way to lay and maintain a water main or pipeline
- 6 with appurtenances over Government Lot 8 and the southwest
- 7 quarter (SW $\frac{1}{4}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of section
- 8 thirty-four (34), and the northeast quarter (NE $\frac{1}{4}$ ) of the
- 9 southeast quarter (SE $\frac{1}{4}$ ) of section thirty-three (33) all in
- 10 township eighty-two north (T 82 N) range twenty-six west
- 11 of the Fifth (5th) Principal Meridian, Boone county, Iowa,
- 12 acquired by the state of Iowa by condemnation proceedings
- 13 dated June 23, 1922, filed June 24, 1922, and recorded in Book
- 14 201, Page 74, Boone County Records.

Approved June 30, 1971.

## CHAPTER 278

## POLK COUNTY LEGALIZING ACT

H. F. 515

AN ACT to legalize and validate the proceedings of the board of township trustees of Delaware township of Polk county, Iowa, in connection with certain elections held to authorize a tax levy for fire protection purposes and the issuance of bonds in anticipation of said tax and declaring the validity of said elections and that bonds issued pursuant to said proceedings shall be enforceable obligations of said township.

WHEREAS it appears from the records of the Board of Township Trustees of Delaware Township in Polk County, Iowa, that said Board of Township Trustees adopted a resolution on August 7, 1954, calling a special election to be held in said Township on August 24, 1954, at which there was submitted to the voters of said Township the proposition of authorizing the levy of a tax of  $1\frac{1}{2}$  mills on the taxable property in the Township for fire protection as authorized by Sections 359.42 and 359.43, Code of Iowa (1966); and

WHEREAS after canvassing the results of the election on the proposition of levying said tax it was found and determined that said proposition was approved by more than eighty-five percent of the total number of votes cast for and against said proposition at said election, there being 448 votes cast in favor of said proposition and 73 votes cast against the same; and

WHEREAS, it further appears from the records of said Board of Township Trustees, that said Board by resolution caused a special election to be conducted on May 7, 1969, upon the proposition of contracting indebtedness of not to exceed \$40,000.00 for the purchase of new fire fighting equipment, said bonds to be retired from the tax levy of  $1\frac{1}{2}$  mills previously authorized, and at which election 366 votes were cast in favor of the proposition and 2 votes were cast against the proposition; and

WHEREAS in reliance upon the favorable vote cast at said elections, the Board of Township Trustees of said Township proposes to provide for the issuance of bonds to the amount and for the purpose aforesaid in anticipation of the collection of the tax levy of  $1\frac{1}{2}$  mills authorized on August 24, 1954; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said elections and proceedings and authority 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
- 2 of Township Trustees of Delaware Township, Polk County, Iowa,
- 3 preliminary to and in connection with the special elections held in said
- 4 Township on August 24, 1954, and May 7, 1969, respectively, provid-
- 5 ing for the levy of a tax of  $1\frac{1}{2}$  mills for the purposes authorized by
- 6 Sections 359.42 and 359.43, Code of Iowa (1966), and providing for
- 7 the issuance of fire equipment bonds of said Township to the amount
- 8 of not to exceed \$40,000.00 in anticipation of and to be retired from



9 the proceeds of said tax, and said elections are hereby legalized, vali-  
 10 dated and confirmed and said bonds when issued, sold and delivered  
 11 pursuant to and in accordance with said proceedings are hereby de-  
 12 clared to be legal and to constitute valid and binding obligations of  
 13 said Township.

1 SECTION 2. This Act being deemed of immediate importance shall  
 2 be in full force and effect from and after its passage and publication in  
 3 The Altoona Herald, a newspaper published at Altoona, Iowa, and in  
 4 the Lee Town News, a newspaper published at Des Moines, Iowa,  
 5 without expense to the State.

6 Published in the Altoona Herald, March 4, 1971.

Approved May 20, 1971.

I hereby certify that the foregoing Act, House File 515, was published in The Altoona Herald, Altoona, Iowa, June 3, 1971, and in the Lee Town News, Des Moines, Iowa, June 3, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 279

### POWESHIEK COUNTY LEGALIZING ACT

H. F. 716

AN ACT to legalize and validate the procedures followed by the Poweshiek county board of supervisors in contracting with the Frank Wheeler Construction Company of Montezuma, Iowa, for the repair and remodeling of the Poweshiek county jail located at Montezuma, Iowa.

WHEREAS, on the 5th day of August, 1970, the Poweshiek County Board of Supervisors contracted with Wetherell, Harrison, McKlveen, Carney for a preliminary study to determine the feasibility of remodeling the Poweshiek County jail in Montezuma, Iowa; and

WHEREAS, on the 17th day of December, 1970, the Poweshiek County Board of Supervisors advertised for bids for the remodeling of the Poweshiek County jail located in Montezuma, Iowa; and

WHEREAS, the Poweshiek County Board of Supervisors entered into a contract on the 31st day of December, 1970, with the Frank Wheeler Construction Company of Montezuma, Iowa, to remodel the Poweshiek County jail in Montezuma, Iowa; and

WHEREAS, the original contract price was under the sum of \$50,000.00; and

WHEREAS, the actual cost is in the sum of \$49,903.00 for the repair and renovation of the jail; and

WHEREAS, in addition to the sum of \$49,903.00 for the repair and renovation of the jail, there is an architect's fee in the sum of \$7,485.45, which will bring the total cost in excess of \$50,000.00; and

WHEREAS, said sums may still be paid without the levy of additional taxes; and

WHEREAS, the final cost is in the sum of \$57,388.45 and a submission to the voters of the County was not conducted as required by Section 345.1 of the 1971 Code of Iowa and doubts have arisen concerning the legal sufficiency of the Poweshiek County Board of Supervisors' compliance with the provisions of Section 345.1 of the 1971 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 Poweshiek County Board of Supervisors in connection with the enter-  
3 ing into of a contract with Frank Wheeler Construction Company, of  
4 Montezuma, Iowa, and of Wetherell, Harrison, McKlveen, Carney  
5 Architects of Des Moines, Iowa, to repair and remodel the Poweshiek  
6 County jail located at Montezuma, Iowa, at a total cost of \$57,388.45,  
7 are hereby legalized, validated and confirmed.

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 Montezuma Republican, a newspaper published at Montezuma, Iowa,  
4 without expense to the state and in The Brooklyn Chronicle, a news-  
5 paper published in Brooklyn, Iowa, without expense to the state.

Approved June 30, 1971.

I hereby certify that the foregoing Act, House File 716, was published in The Montezuma Republican, Montezuma, Iowa, July 8, 1971, and in The Brooklyn Chronicle, Brooklyn, Iowa, July 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 280

### BUSSEY WATER REVENUE BONDS LEGALIZING ACT

S. F. 469

AN ACT to legalize and validate the proceedings of the town council of the town of Bussey, in the county of Marion, state of Iowa, in amending a certain resolution for the authorization and issuance of water revenue bonds, dated April 1, 1961, to increase the maximum rates which may be charged to consumers of water.

WHEREAS, it appears from the records of the Town of Bussey, in the County of Marion, State of Iowa, that at a regular adjourned session on April 25, 1961, the Town Council of said Town adopted a Resolution entitled "RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$22,000 WATER REVENUE BONDS OF THE TOWN OF BUSSEY, IOWA, FOR THE PURPOSE OF REFUNDING A LIKE AMOUNT OF PRESENTLY OUTSTANDING TEMPORARY REVENUE OBLIGATIONS OF SAID TOWN, PRESCRIBING THE FORM OF PROPOSED BONDS AND PROVIDING FOR SAFEGUARDING, PROTECTING AND PAYING SAID BONDS"; and

WHEREAS, it further appears that pursuant to the aforesaid Resolution Water Revenue Bonds dated April 1, 1961, were issued and remain outstanding in the amount of \$14,000.00, maturing at the rate of \$1,000.00 annually on December 1, 1971 through December 1, 1979; and

WHEREAS, it appears that the maximum rates chargeable to consumers of water as fixed in said Resolution were inadequate to permit the continued operation of an adequate Waterworks Plant and System and that the Town Council by a Resolution adopted on March 17, 1971, amended the provisions of said Resolution adopted April 25, 1961, to provide for increased maximum water rates to consumers; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said Resolution adopted March 17, 1971, and the increased maximum water rates as provided therein 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. The proceedings of the Town Council of the Town of  
2 Bussey, in the County of Marion, State of Iowa, taken on March 17,  
3 1971, in adopting a Resolution entitled "A Resolution amending the  
4 Resolution of April 25, 1961 entitled 'A Resolution authorizing and  
5 providing for the issuance of \$22,000.00 water revenue bonds of the  
6 town of Bussey, Iowa, for the purpose of refunding a like amount of  
7 presently outstanding temporary revenue obligations of said town, pre-  
8 scribing the form of proposed bonds and providing for safeguarding,  
9 protecting and paying said bonds'" and the said Resolution and its  
10 provisions are hereby legalized, validated and confirmed and the maxi-  
11 mum water rates fixed in said Resolution adopted March 17, 1971, as  
12 chargeable to consumers are declared to be legal; and the Town, dur-  
13 ing the term of the aforesaid Water Revenue Bonds, dated April 1,  
14 1961, or bonds issued to refund a like amount thereof, shall be obli-  
15 gated to charge such rates as are sufficient at least to pay for the oper-  
16 ation and maintenance of the Waterworks Plant and System of the  
17 Town and interest on the principal of any Water Revenue Bonds  
18 which may be issued or outstanding, provided that such charges do  
19 not exceed the maximum water rates fixed in the aforesaid Resolution  
20 adopted March 17, 1971.

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 Knoxville Express, a newspaper published at Knox-  
4 ville, Iowa, and The Pella Chronicle-Advertiser, a newspaper pub-  
5 lished at Pella, Iowa, without expense to the State.

Approved May 5, 1971.

I hereby certify that the foregoing Act, Senate File 469, was published in The Knoxville Express, Knoxville, Iowa, May 13, 1971, and in The Pella Chronicle-Advertiser, Pella, Iowa, May 12, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 281

## DEWITT LEGALIZING ACT

## H. F. 83

AN ACT to legalize and validate the proceedings of the city council of the city of DeWitt, Iowa, in connection with an election for the issuance of swimming pool bonds and declaring the validity of said election and that bonds issued pursuant to and authorized thereby shall constitute valid and binding obligations of said city.

WHEREAS, it appears from the records of the city of DeWitt, Iowa, that a special election held in and for said city on November 3, 1970, the proposition of issuing bonds of said city in the amount of thirty thousand dollars for the purpose of providing funds to pay the cost of the expansion of the existing DeWitt swimming pool was approved by more than sixty percent of the total number of votes cast for and against said proposition, and in reliance upon said election said city council proposes to authorize and provide for the issuance of swimming pool bonds to the amount and for the purpose aforesaid; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and 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 City  
2 Council of the City of DeWitt, Iowa, preliminary to and in connection  
3 with the election on said bonds held in said City on November 3, 1970,  
4 and said election are hereby legalized, validated and confirmed and  
5 swimming pool bonds to be issued, sold and delivered pursuant to and  
6 by authority of said election shall constitute valid and binding obliga-  
7 tions 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 The  
3 DeWitt Observer, a newspaper published at DeWitt, Iowa, and The  
4 Clinton Herald, a newspaper published at Clinton, Iowa, without  
5 expense to the State.

Approved February 12, 1971.

I hereby certify that the foregoing Act, House File 83, was published in The DeWitt Observer, DeWitt, Iowa, February 25, 1971, and in The Clinton Herald, Clinton, Iowa, February 26, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 282

## PETERSON LEGALIZING ACT

S. F. 425

AN ACT to legalize and validate the proceedings of the town council of the town of Peterson, Clay County, Iowa, levying certain special assessments and issuing special assessment street improvement bonds.

WHEREAS, it appears from the records of the Town Council of the Town of Peterson, Clay County, Iowa, that at a meeting held on the 7th day of April, 1969, said Town Council adopted a Resolution of Necessity to provide for the construction of street improvements under the authority of Chapter 391 of the Code of Iowa, 1966, as amended, on Fourth Street, from Highway 10 to the County Road in said Town, and to assess so much of the cost and expense of the improvements as by law could be assessed; and

WHEREAS, thereafter, the Council ordered construction of the improvements on the 28th day of April, 1969, and awarded a contract on the 15th day of May, 1969, and accepted the work on the 16th day of July, 1970, and levied assessments pursuant to resolution adopted on the 10th day of August, 1970, and provided for the issuance of \$6,000 Street Improvement Bonds on the 4th day of January, 1971; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the provisions made for the levy of special assessments and the issuance of 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 in connection  
2 with the aforesaid improvements and proceedings for the award of  
3 contract, for the levy of special assessments against private property  
4 to pay for the cost of such improvements and for the sale, issuance  
5 and delivery of special assessment Street Improvement Bonds of said  
6 Town in the amount of \$6,000, are hereby legalized, validated and con-  
7 firmed, and such special assessments levied in accordance with said  
8 proceedings are hereby declared to be legal and binding, and such  
9 special assessment Street Improvement Bonds, sold, issued and deliv-  
10 ered pursuant to and in accordance with said proceedings, are hereby  
11 declared to be legal and to constitute valid and binding obligations of  
12 said Town in accordance with their terms.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
2 be in full force and effect from and after its final passage, approval  
3 and publication in The Peterson Patriot, a newspaper published at  
4 Peterson, Iowa, and The Daily Reporter, a newspaper published at  
5 Spencer, Iowa, without expense to the State.

Approved May 27, 1971.

I hereby certify that the foregoing Act, Senate File 425, was published in The Peterson Patriot, Peterson, Iowa, June 3, 1971, and in The Daily Reporter, Spencer, Iowa, June 4, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 283

## RED OAK LEGALIZING ACT

## S. F. 129

AN ACT to legalize and validate the proceedings of the city council of Red Oak, in the county of Montgomery, Iowa, in the purchase of Lot No 6 and the west half of Lot No 5 in Block No 28 in the city of Red Oak for the purpose of constructing off-street parking facilities in accordance with chapter 390 of the 1966 Code of Iowa.

WHEREAS, on the 24th day of June 1968, the City Council of the City of Red Oak, Montgomery County, Iowa, voted to purchase the following described real estate for off street parking purposes for the sum of \$14,500.00 pursuant to authority granted by Chapter 390 of the 1966 Code of Iowa:

Lot No 6 (6) and the West Half of Lot No 5 (W ½ of Lot 5) in Block No Twenty-Eight (28) in the City of Red Oak, Iowa, and

WHEREAS, doubts have arisen concerning the validity of said proceedings and their legal sufficiency due to a failure to conduct a public hearing in accordance with Chapter\* 390.1 of the 1966 Code of Iowa, prior to the Council approving said purchase and

WHEREAS, 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.

2 That all proceedings heretofore taken by the City Council of the  
3 City of Red Oak, in the county of Montgomery, Iowa, preliminary to  
4 and in connection with the purchase of real property for the construc-  
5 tion of off street parking facilities pursuant to the authority granted  
6 in Chapter 390 of the 1966 Code of Iowa, and which real estate is  
7 described as follows:

8 Lot No six (6) and the West Half of Lot No Five (W ½ of Lot 5)  
9 in Block Twenty-eight (28) of the City of Red Oak, Montgomery  
10 County, Iowa,

11 are hereby legalized and confirmed and that the purchase of the  
12 above described real property for the construction of off street park-  
13 ing facilities is hereby declared to be legal and the title to the same  
14 confirmed in the City of Red Oak, and the payment for said building  
15 in the sum of \$14,500.00 and acceptance of title thereto is declared to  
16 be a legal and binding act of the City Council of the said City of Red  
17 Oak.

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 Red Oak Express, a newspaper published at Red Oak,  
4 Iowa, and The Villisca Review, a newspaper published at Villisca,  
5 Iowa, without expense to the state.

Approved April 1, 1971.

I hereby certify that the foregoing Act, Senate File 129, was published in The Red Oak Express, Red Oak, Iowa, April 12, 1971, and in The Villisca Review, Villisca, Iowa, April 15, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

\*According to enrolled Act.

## CHAPTER 284

## WINDSOR HEIGHTS AND CLIVE LEGALIZING ACT

H. F. 565

AN ACT to legalize and validate the proceedings of the city council of the city of Windsor Heights and the city council of the city of Clive, in the county of Polk, state of Iowa, in adopting an intergovernmental corporation boundary agreement and establishing a portion of their common corporation boundary line and in taking action in reliance thereon.

WHEREAS, the City of Clive and the City of Windsor Heights, in the County of Polk, State of Iowa, by their respective City Councils, did heretofore enter into a certain intergovernmental agreement pursuant to Chapter 28E, Code of Iowa, 1971, entitled Intergovernmental Corporation Boundary Agreement and dated the 18th day of March, 1971, the said Agreement having been approved by the City Council of The City of Windsor Heights, Iowa, on March 15, 1971, and by the City Council of the City of Clive, Iowa, on March 18, 1971; and

WHEREAS, said agreement serves to finally fix and determine a portion of the common corporation boundary line of said Cities and to eliminate uncertainties and conflicts in official records with respect to said boundary; and

WHEREAS, it is deemed advisable to put to rest such doubts as have arisen with respect to the validity and legal sufficiency of said agreement and action taken by said Cities in reliance upon said agreement; NOW, THEREFORE:

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

1 SECTION 1. All proceedings heretofore taken by the City Councils of the City of Windsor Heights and the City of Clive, in the County of Polk, State of Iowa, in connection with the execution, approval and adoption of the Intergovernmental Corporation Boundary Agreement dated March 18, 1971, and the common corporation boundary line fixed and established by said agreement are hereby legalized, validated and confirmed, and all actions taken by said Cities in reliance upon or in recognition of said agreement or the common corporation boundary line therein established are hereby declared to be lawful and proper insofar as the same may relate to the boundary line so established.

1 SECTION 2. This act, being deemed of immediate importance, shall be in full force and effect from and after its passage, approval and publication in The West Des Moines Express, a newspaper published at West Des Moines, Iowa, and The Des Moines Register, a newspaper published at Des Moines, Iowa, without expense to the State.

Approved June 30, 1971.

I hereby certify that the foregoing Act, House File 565, was published in The West Des Moines Express, West Des Moines, Iowa, July 8, 1971, and in The Des Moines Register, Des Moines, Iowa, July 8, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 285

## DES MOINES SCHOOL DISTRICT LEGALIZED

S. F. 426

AN ACT to legalize and validate the proceedings of the board of directors of the Des Moines Independent Community School District, in the county of Polk, state of Iowa, confirming and authorizing the sale of certain property.

WHEREAS, it appears from the records of the Board of Directors of the Des Moines Independent Community School District, County of Polk, State of Iowa, that on February 7, 1966, a Special Warranty Deed from the Des Moines Independent Community School District to Melvin Lumber Company was executed, and recorded in Book 3758, page 97, Polk County, Iowa, Recorder, for the following described real property:

That part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28, Township 78 North, Range 24 West of the 5th P.M., described as follows: Beginning at a point on the South line of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  that is 33 feet East of the SW corner of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28; thence East 462.1 feet along the South line of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28 to a point also known as the SW corner of Lot 21, McKinley Heights, Plat No. 3; thence North 302.5 feet to a point also known as the NW corner of Lot 17, McKinley Heights, Plat No. 3; thence West along the South right-of-way of Hackley Street extended West a distance of 6.09 feet to the beginning of a  $3^{\circ} 14' 47''$  curve to the left; thence Westerly along said  $3^{\circ} 14' 47''$  curve to the left having a radius of 1764.9 feet and a central angle of  $7^{\circ} 21'$  for a distance of 226.4 feet to the end of said curve; thence reversing on a  $3^{\circ} 09' 25''$  curve to the right having a radius of 1814.9 feet and a central angle of  $7^{\circ} 21'$  for a distance of 232.8 feet to the end of said curve (said point being 33 feet East of the West line of the aforementioned NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28); thence South 275.9 feet to the point of beginning, said real estate now being in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on July 7, 1966, there was filed with the Polk County Auditor, Plat Book O-441, James Embee Place, an Official Plat, which included the above described property; and

WHEREAS, said Melvin Lumber Company thereafter conveyed all or portions of the above described property, now platted as James Embee Place, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the deed from said School District to Melvin Lumber Company, and it is deemed advisable to put such doubts and all others that might arise concerning the same forever at rest, NOW THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the Board of  
2 Directors of the Des Moines Independent Community School District  
3 in the County of Polk, State of Iowa, in connection with the sale of  
4 the following described real property:

5 That part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28, Township 78  
6 North, Range 24 West of the 5th P.M., described as follows: Begin-  
7 ning at a point on the South line of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  that is  
8 33 feet East of the SW corner of said NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section



9 28; thence East 462.1 feet along the South line of said NW  $\frac{1}{4}$  of the  
 10 NW  $\frac{1}{4}$  of Section 28 to a point also known as the SW corner of Lot  
 11 21, McKinley Heights, Plat No. 3; thence North 302.5 feet to a point  
 12 also known as the NW corner of Lot 17, McKinley Heights, Plat No.  
 13 3; thence West along the South right-of-way of Hackley Street  
 14 extended West a distance of 6.09 feet to the beginning of a  $3^{\circ} 14' 47''$   
 15 curve to the left; thence Westerly along said  $3^{\circ} 14' 47''$  curve to the  
 16 left having a radius of 1764.9 feet and a central angle of  $7^{\circ} 21'$  for a  
 17 distance of 226.4 feet to the end of said curve; thence reversing  
 18 on a  $3^{\circ} 09' 25''$  curve to the right having a radius of 1814.9 feet and a  
 19 central angle of  $7^{\circ} 21'$  for a distance of 232.8 feet to the end of said  
 20 curve (said point being 33 feet East of the West line of the afore-  
 21 mentioned NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28); thence South 275.9  
 22 feet to the point of beginning, said real estate now being in and  
 23 forming a part of the City of Des Moines, Polk County, Iowa.

24 and the sale of said property by the Board of Directors of said Dis-  
 25 trict to Melvin Lumber Company are hereby legalized, validated and  
 26 confirmed, and the proceedings of said Board of Directors relating  
 27 thereto are hereby declared to be legal and constitute the valid and  
 28 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 publica-  
 3 tion in The West Des Moines Express, a newspaper published at  
 4 West Des Moines, Iowa, and The Des Moines Register, a newspaper  
 5 published at Des Moines, Iowa, without expense to the State.

Approved May 7, 1971.

I hereby certify that the foregoing Act, Senate File 426, was published in The West Des Moines Express, West Des Moines, Iowa, May 20, 1971, and in The Des Moines Register, Des Moines, Iowa, May 21, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 286

### WEST MARSHALL SCHOOL LEGALIZING ACT

S. F. 277

AN ACT to legalize and validate the procedures wherein the West Marshall Community School District in the counties of Marshall and Story entered into contract for the sale of certain real estate.

WHEREAS, the West Marshall Community School District of Marshall and Story counties initiated the sale of real property described as Lot one (1) and Lot eight (8) in Block four (4), Town of Edenville (now Rhodes), Marshall County, Iowa; and

WHEREAS, the notice for bids as required by the Code of Iowa was advertised and published in the Marshalltown Times-Republican on November 4 and 11, 1965; and

WHEREAS, the bids for said real property, though not shown on the abstract, were taken in June, 1967 and it appears that such bids should have been taken not later than six months after the second publication of the

notice as apparently required by the Code of Iowa but through misunderstanding such requirement was not met, and the notice set forth in the abstract is inadequate; and

WHEREAS, the West Marshall Community School District has entered into a contract of sale with John Bear of Marshall County for the above described real property wherein John Bear has agreed to pay three hundred sixty dollars (\$360.00) at the time of execution of the contract and the balance of the purchase price of one thousand eight hundred dollars (\$1,800.00) upon delivery of an abstract of title showing merchantable title in the sellers and tender of a deed therefor; and

WHEREAS, there remains a cloud on the title for the above described real property because of the procedural defect herein described which has prevented the two willing parties from completing the duly executed contract which is believed by both parties to be a fair contract, and the buyer pursuant to his intention to complete purchase of the above described real property has made substantial improvements on said real property; NOW, THEREFORE,

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

1 SECTION 1. All proceedings heretofore taken by the West Marshall  
2 Community School District in the counties of Marshall and Story  
3 whereby the School District entered into a contract of sale with John  
4 Bear for the sale of real estate owned by the school district, described  
5 as Lot one (1) and Lot eight (8) in Block four (4), Town of Eden-  
6 ville (now Rhodes), Marshall County, Iowa, are hereby legalized,  
7 validated and confirmed and the parties to said contract are author-  
8 ized to complete the execution of the contract which shall thereafter  
9 constitute a valid and binding contractual obligation of the respective  
10 parties.

Approved April 26, 1971.

## CHAPTER 287

### HISTORICAL SOCIETY LEGALIZING ACT

S. F. 533

AN ACT to legalize the purchase of real estate by the state historical society of Iowa, for the use and benefit of the state of Iowa.

WHEREAS, real estate legally described as;

Lot Six (6), Block Forty-five (45), Original Town of Iowa City, has been purchased by the state historical society of Iowa for the use and benefit of the state of Iowa, and,

WHEREAS, doubts have arisen concerning the legality and validity of said procedures and of said purchases, and it is deemed desirable 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 the acts and procedures of the state historical

2 society of Iowa in purchasing the real estate legally described as;  
3 Lot Six (6), Block Forty-five (45), Original Town of Iowa City,  
4 for the use and benefit of the state of Iowa, should be and are hereby  
5 legalized, validated, and confirmed, and said acts should be and are  
6 hereby declared to be legal and constitute valid and binding acts.

Approved June 10, 1971.

## **JOINT RESOLUTIONS**

## JOINT RESOLUTIONS

### CHAPTER 288

#### AMENDMENT TO U. S. CONSTITUTION ON 18-YEAR-OLD VOTERS

H. J. R. 15

A JOINT RESOLUTION ratifying a proposed amendment to the Constitution of the United States relating to extending the right to vote to citizens eighteen years of age or older.

WHEREAS, The Ninety-second (92nd) Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relating to extending the right to vote to citizens eighteen years of age or older; and

WHEREAS, This Joint Resolution passed the Senate of the United States on March 10, 1971, passed the House of Representatives of the United States on March 23, 1971, and now has been submitted to a vote of the States and reads:

#### “JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States extending the right to vote to citizens eighteen years of age or older.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

#### “ARTICLE

“Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

“Sec. 2. The Congress shall have power to enforce this article by appropriate legislation.”

*Be It Resolved by the General Assembly of the State of Iowa:*

- 1 That the foregoing proposed amendment to the Constitution of the
- 2 United States is hereby ratified and consented to by the State of Iowa
- 3 and the General Assembly thereof; and
- 4 Be It Further Resolved that the Governor of the State of Iowa
- 5 forward certified copies of this resolution over the Seal of the State
- 6 of Iowa to the Secretary of State of the United States, to the Presid-
- 7 ing Officer of the Senate of the United States, to the Speaker of the
- 8 House of Representatives of the United States, and to the adminis-
- 9 trator of the United States General Services Administration.

Approved April 1, 1971.

CHAPTER 289  
CONVENTION CALL FOR FEDERAL CONSTITUTIONAL  
AMENDMENT ON REVENUE SHARING

H. J. R. 1

A JOINT RESOLUTION making application to the United States Congress to call a convention for the purpose of proposing to the states a constitutional amendment providing that a portion of taxes levied on income by Congress shall be made available to state governments.

WHEREAS, a resolution of our nation's myriad and diverse problems is contingent upon a viable partnership between the federal government and strengthened state governments, and

WHEREAS, the federal government, by its extensive reliance on the graduated income tax as a revenue source, has virtually preempted the use of this source from state and local governments, thereby creating a disabling fiscal imbalance between the federal government and the state and local governments, and

WHEREAS, increasing demands upon state and local governments for essential public services have compelled the states to rely heavily on highly regressive and inelastic consumer taxes and property taxes, and

WHEREAS, federal revenues based predominantly on income taxes increase significantly faster than economic growth, while state and local revenues based heavily on sales and property taxes do not keep pace with economic growth, and

WHEREAS, the fiscal crisis at state and local levels has become the overriding problem of intergovernmental relations and of continuing a viable federal system, and

WHEREAS, the evident solution to this problem is a meaningful sharing of federal income tax resources, and

WHEREAS, the United States Congress, despite the immediate and imperative need therefor, has failed to enact acceptable revenue sharing legislation, and

WHEREAS, in the event of such congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention, and

WHEREAS, the Congress of the United States is required by the Constitution to call such a convention upon the receipt of applications from the legislatures of two-thirds of the several states, NOW THEREFORE,

*Be It Resolved by the General Assembly of the State of Iowa:*

- 1 That, pursuant to Article V of the Constitution of the United States,
- 2 the General Assembly of the State of Iowa does hereby make applica-
- 3 tion to the Congress of the United States to call a convention for the
- 4 sole and exclusive purpose of proposing to the several states a consti-
- 5 tutional amendment which shall provide that a portion of the taxes
- 6 on income levied by Congress pursuant to the sixteenth amendment

7 of the Constitution of the United States shall be made available each  
8 year to state governments and political subdivisions thereof, by means  
9 of direct allocation, tax credits, or both, without limiting directly or  
10 indirectly the use of such moneys for any purpose not inconsistent  
11 with any other provision of the Constitution of the United States, and

12 BE IT FURTHER RESOLVED, That this application shall consti-  
13 tute a continuing application for such convention pursuant to Article  
14 V until the Legislatures of two-thirds of the states shall have made  
15 like applications and such convention shall have been called by the  
16 Congress of the United States unless previously rescinded by the  
17 General Assembly of the State of Iowa, and

18 BE IT FURTHER RESOLVED, That certified copies of this reso-  
19 lution be presented by the Secretary of State forthwith to the Presi-  
20 dent of the Senate and the Speaker of the House of Representatives  
21 of the United States and to the Legislatures of each of the several  
22 states attesting the adoption of this resolution by the General Assem-  
23 bly of the State of Iowa.

## CHAPTER 290

### CONSTITUTIONAL AMENDMENT ON TERMS OF STATE OFFICERS

#### H. J. R. 7

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  
4 seventy-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 the  
24 State of Iowa is hereby repealed and the following adopted in lieu  
25 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  
 29 qualify. The Lieutenant Governor, while acting as Governor, shall  
 30 receive the same compensation as provided for Governor; and while  
 31 presiding in the Senate, and between sessions such compensation and  
 32 expenses 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 Trea-  
 37 surer of State shall be elected by the qualified electors at the same  
 38 time that the governor is elected and for a four-year term commenc-  
 39 ing on the first day of January next after their election, and they  
 40 shall perform 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, having been adopted  
 2 and agreed to by the Sixty-third General Assembly, thereafter duly  
 3 published, and now adopted and agreed to by the Sixty-fourth Gen-  
 4 eral Assembly, in this Joint Resolution, shall be submitted to the  
 5 people of the State of Iowa at the general election in November of the  
 6 year nineteen hundred seventy-two (1972) in the manner required by  
 7 the Constitution of the State of Iowa and the laws of the State of Iowa.

## CHAPTER 291

### CONSTITUTIONAL AMENDMENT ON RETIREMENT AND DISCIPLINE OF JUDGES

H. J. R. 6

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  
 8 retire judges for disability and to discipline or remove them for good  
 9 cause, upon application by a commission on judicial qualifications.  
 10 The General Assembly shall provide by law for the implementation of  
 11 this section."

1 SEC. 2. The foregoing proposed amendment, having been adopted  
 2 and agreed to by the Sixty-third General Assembly, thereafter duly



3 published, and now adopted and agreed to by the Sixty-fourth General  
 4 Assembly in this joint resolution, shall be submitted to the people of  
 5 the State of Iowa at the general election in November of the year  
 6 nineteen hundred seventy-two in the manner required by the Consti-  
 7 tution of the State of Iowa and the laws of the State of Iowa.

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## CHAPTER 292

### SENATE VACANCY COMPENSATION

#### S. J. R. 10

A JOINT RESOLUTION establishing legislative compensation to be paid because of a vacancy resulting in the senate membership.

WHEREAS, a vacancy was created in the eleventh district due to the death of Senator Charles K. Sullivan; and

WHEREAS, this vacancy was filled by the election of Senator G. William Gross at a special election held on March 8, 1971; and

WHEREAS, some question has arisen with reference to the language in section two point ten (2.10), subsection four (4) of the Code, regarding proportional compensation when a vacancy occurs because it appears that such subsection anticipates that legislative salaries be paid over a twelve month period rather than a six month period as provided in subsection five (5) of section two point ten (2.10) of the Code; and

WHEREAS, the proceedings for computing the proportional compensation of a member of the General Assembly are vague and subject to ambiguity and Article three (III), section nine (9), of the Constitution of the State of Iowa grants to each house of the General Assembly the power to determine its rules and proceedings, NOW THEREFORE,

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

1 SECTION 1. Senator Charles K. Sullivan or his surviving spouse  
 2 shall be paid a total of \$1,374.99 in salary for the calendar year 1971,  
 3 and Senator G. William Gross be paid a total of \$4,583.34 in salary  
 4 for the calendar year 1971.

Approved May 24, 1971.

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## CHAPTER 293

### TERRACE HILL

#### H. J. R. 16

A JOINT RESOLUTION authorizing the executive council to acquire the Hubbell Mansion known as Terrace Hill.

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

1 SECTION 1. The executive council is authorized to accept for the  
 2 State of Iowa, property described as "Lot One (1) of Polk and Hub-  
 3 bell Park, an addition to the City of Des Moines, Iowa", locally

- 4 known as Terrace Hill, from the income beneficiaries of the Frederick  
5 M. Hubbell Estate.
- 6 The State of Iowa agrees:
- 7 1. That the mansion will be preserved for not less than twenty-  
8 five years.
- 9 2. That the mansion will be designated and known as "Terrace  
10 Hill".
- 11 3. That, if requested by the donors at the time of conveyance, an  
12 appropriate plaque, showing the names of the donors, will be installed  
13 in the mansion.
- 14 4. That the State of Iowa signifies its acceptance of the preceding  
15 conditions by the passage of this Joint Resolution and the transmittal  
16 of a certified copy of this Joint Resolution to the income beneficiaries  
17 of the Frederick M. Hubbell Estate.
- 1 SEC. 2. The executive council shall, under the provisions of section  
2 nineteen point twenty-nine (19.29) of the Code, maintain Terrace  
3 Hill. Final use of the property shall be determined by the General  
4 Assembly.

Approved May 7, 1971.

## SENATE CONCURRENT RESOLUTION 32

WHEREAS, section two hundred sixty-two A point three (262A.3) of the Code provides that the state board of regents shall prepare and submit to the general assembly for approval no later than seven days after the convening of each regular annual session of the general assembly a proposed ten-year building program for each institution of higher learning under the jurisdiction of said board, said program to contain a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, with an estimate of the cost of each of the buildings and facilities referred to therein and an estimate of the maximum amount of bonds which the board expects to issue under chapter two hundred sixty-two A (262A) of the Code during each year of the ensuing biennium; and

WHEREAS, the state board of regents prepared and, within seven days after the convening of the Sixty-fourth General Assembly of the State of Iowa, First Session, submitted to the Sixty-fourth General Assembly, First Session, for approval such a proposed ten-year building program for each institution containing a list of the buildings and facilities which the board deems necessary to further the educational objectives of the institutions, together with an estimate of the cost of each of the buildings and facilities referred to therein and the amount of bonds to be issued as authorized during the biennium ending June 30, 1971, along with an estimate of the maximum amount of bonds which the board expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code for each year of the biennium beginning July 1, 1971 and ending June 30, 1973; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That the proposed ten-year building program submitted by the state board of regents for each institution of higher learning under its jurisdiction, including the amount of bonds issued and to be issued during the biennium ending June 30, 1971 and the estimate of the maximum amount of bonds which the board expects to issue under the provisions of chapter two hundred sixty-two A (262A) of the Code for each year of the biennium ending June 30, 1973, be and is hereby approved as submitted, to wit:

STATE BOARD OF REGENTS PROPOSED TEN-YEAR  
BUILDING PROGRAM 1971-81*State University Of Iowa*

Project	Estimated Total Cost
Recurring projects (including utilities, remodeling, advance planning, campus improvements) .....	\$ 2,947,000
Steam main extensions .....	271,000
Turbine generator .....	2,100,000
MacLean hall remodeling .....	900,000
Eastside elevated water tank .....	474,000
Music building (old) remodeling .....	430,000
Dentistry building (old) remodeling .....	600,000
College of education building and equipment .....	8,053,000
Animal house addition .....	220,000
Hydraulics laboratory addition .....	920,000
Preschool laboratory .....	678,000
Engineering building remodeling .....	726,000
Social sciences building .....	7,986,000
Chemistry-botany addition and remodeling .....	4,543,000
Medical laboratories remodeling .....	2,197,000
Water plant expansion .....	1,050,000
University hospital remodeling—Phase I and II .....	5,905,000
Total State University of Iowa .....	\$40,000,000

*Iowa State University*

Project	Estimated Total Costs
Recurring projects (including utilities, remodeling, advance planning, campus improvements) .....	\$ 3,525,000
Veterinary medicine facilities construction and equipment .....	16,447,706
Deferred equipment (physical education—women, classroom and office building #3) .....	350,000
Fire protection improvements .....	300,000
Steam generation equipment .....	2,300,000
Physical plant shops and stores .....	1,997,000
Education building .....	3,262,000
Industrial education building .....	2,416,000
Music building—Phase I .....	2,230,000
Design center .....	5,790,000
Meats laboratory .....	1,464,000
Veterinary quadrangle (old) remodeling .....	275,000
<b>Total Iowa State University .....</b>	<b>\$40,356,706</b>

*University Of Northern Iowa*

Project	Estimated Total Costs
Recurring projects (including utilities, remodeling, advance planning) .....	\$1,293,294
Library—Phase II and III .....	6,000,000
Industrial arts and technology building .....	1,220,000
Art building—Phase I .....	1,500,000
Speech building—Phase I .....	1,300,000
Physical education building—Phase II .....	3,330,000
<b>Total University of Northern Iowa .....</b>	<b>\$14,643,294</b>
<b>TOTAL REGENTS TEN-YEAR PROGRAM 1971-1981</b>	<b><u>\$95,000,000</u></b>

By Senate Concurrent Resolutions No. 44 and No. 45, the Sixty-third General Assembly of the State of Iowa, First Session, authorized the state board of regents to issue bonds in the amount of sixteen million one hundred fourteen thousand (16,114,000) dollars. Of this maximum amount of bonds authorized, the board of regents will issue during the biennium which commenced July 1, 1969 and which ends June 30, 1971, under the provisions of chapter two hundred sixty-two A (262A) of the Code of Iowa 1971, twelve million four hundred fifteen thousand (12,415,000) dollars. During the biennium which commences July 1, 1971 and which ends June 30, 1973, the maximum amount of bonds which the state board of regents expects to issue is three million four hundred thirty-five thousand (3,435,000) dollars of the bond authority granted by the Sixty-third General Assembly, First Session, and eighteen million nine hundred thirty-three thousand (18,933,000) dollars of the bond authority granted by the Sixty-fourth General Assembly, First Session, with ten million eight hundred thirty-five thousand (10,835,000) dollars of the total biennial issue of twenty-two million three hundred sixty-eight thousand (22,368,000) dollars to be issued during the fiscal year ending June 30, 1972 and the remaining eleven million five hundred thirty-three thousand (11,533,000) dollars to be issued during the fiscal year ending June 30, 1973, and this plan of financing is hereby approved.

Adopted S. J. 1956, 1957; H. J. 2201

Approved June 30, 1971.

## SENATE CONCURRENT RESOLUTION No. 33

WHEREAS, chapter two hundred sixty-two A (262A) of the Code provides that the the state board of regents after authorization by a constitutional majority of each house of the general assembly and approved by the governor may undertake and carry out at the institutions of higher learning under the jurisdiction of said board any project as defined in chapter two hundred sixty-two A (262A) of the Code; and

WHEREAS, chapter two hundred sixty-two A (262A) of the Code authorizes the state board of regents to borrow money and to issue and sell negotiable revenue bonds to pay all or any part of the cost of carrying out such projects at any institution payable solely from and secured by an irrevocable pledge of a sufficient portion of the student fees and charges and institutional income received by the particular institution; and

WHEREAS, by Senate Concurrent Resolutions No. 44 and No. 45, the Sixty-third General Assembly of the State of Iowa authorized the state board of regents to undertake and carry out certain projects during the biennium commencing July 1, 1969 and ending June 30, 1971 and to finance the cost thereof by borrowing money and issuing negotiable bonds in a total amount not to exceed sixteen million one hundred fourteen thousand dollars (\$16,114,000); and

WHEREAS, twelve million four hundred fifteen thousand dollars (\$12,415,000) of the total amount authorized by the Sixty-third General Assembly will be issued during the biennium ending June 30, 1971, and it is contemplated that three million four hundred thirty-five thousand dollars (\$3,435,000) of the total amount authorized will be issued during the biennium ending June 30, 1973, so that fifteen million eight hundred fifty thousand dollars (\$15,850,000) of the total borrowing authorized by chapter two hundred sixty-two A (262A) of the Code will be utilized; and

WHEREAS, pursuant to the provisions of section two hundred sixty-two A point three (262A.3) of the Code the state board of regents prepared and submitted to the Sixty-fourth General Assembly, First Session, for approval a proposed ten-year building program for each institution of higher education under the board, with an estimate of the maximum amount of bonds which the board expects to issue under the provisions of said Act during each year of the biennium commencing July 1, 1971 and ending June 30, 1973; and

WHEREAS, said ten-year building program was approved pursuant to the provisions of Concurrent Resolution No. 32, adopted by each house of the Sixty-fourth General Assembly; and

WHEREAS, the projects contained in said building program are deemed necessary for the proper performance of the instructional, research and service function of the institutions; and

WHEREAS, to further the educational objectives of the institutions the state board of regents requests authorization to undertake and carry out certain of said projects at this time and to finance the cost thereof by borrowing money and issuing additional negotiable bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code, in a total amount not to exceed eighteen million nine hundred thirty-three thousand dollars (\$18,933,000), the remaining cost of said projects to be financed by capital appropriations or by federal or other funds lawfully available therefor; Now

THEREFORE,  
*Be It Resolved by the Senate, the House Concurring,* That the state board of regents be and is hereby authorized to complete the carrying out of the projects heretofore approved by the Sixty-third General Assembly, and during the biennium which commences July 1, 1971 and which ends June 30, 1973, to issue bonds in the amount of three million four hundred thirty-five thousand dollars (\$3,435,000) of the total amount heretofore approved by the Sixty-third General Assembly but not issued prior to the conclusion of the biennium ending June 30, 1971.

That the state board of regents be and is hereby authorized to undertake and carry out the following additional projects and to pay all or any part of the cost of carrying out such projects by borrowing additional money and issuing additional negotiable revenue bonds under the provisions of chapter two hundred sixty-two A (262A) of the Code, in a total amount of new authorization not to exceed eighteen million nine hundred thirty-three thousand dollars (\$18,933,000):

*State University of Iowa*

General utilities, general remodeling, campus improvements  
 Steam main extensions—construction and equipment  
 MacLean Hall Remodeling  
 Turbine generator—equipment and installation

*Iowa State University*

General utilities, general remodeling, campus improvements  
 Deferred equipment, Physical Education building (women)  
 Deferred equipment, Classroom and Office building #3  
 Steam generation equipment and installation  
 Fire protection improvements  
 Physical plant shops and stores building construction and equipment  
 Veterinary medicine facilities construction and equipment

*University of Northern Iowa*

Library building addition construction and equipment  
 General utilities, general remodeling

Adopted S. J. 1953; H. J. 2201-2204

Approved June 30, 1971.

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## SENATE CONCURRENT RESOLUTIONS

- SCR 1 Inauguration of Governor and the Lieutenant Governor, joint committee named to make arrangements. Adopted, S. J. 14; Adopted, H. J. 13, 14.
- SCR 2 Code of Iowa and Session Laws to legislature and staff and to certain members of the press. Adopted, S. J. 11; Adopted, H. J. 14.
- SCR 3 Bills and Journals to county auditors. Adopted, S. J. 11, 12; Adopted, H. J. 14.
- SCR 4 Spring recess, Friday, March 12, 1971, to reconvene Monday, March 22, 1971. Adopted, S. J. 42, 61; Adopted, H. J. 91, 407.
- SCR 5 Compensation of chaplains, officers and employees of the Sixty-fourth General Assembly. Adopted, S. J. 42-44, 61; Adopted, H. J. 91-93, 119.
- SCR 6 Compensation of joint legislative employees of the Sixty-fourth General Assembly. Adopted, S. J. 44, 61; Adopted, H. J. 93, 94, 119.
- SCR 7 Bills and Journals to U. S. Senators and Congressmen and Council of State Governments. Adopted, S. J. 58, 62; Introduced, H. J. 94.
- SCR 8 Access to floor of Senate and House by major political parties. Adopted, S. J. 89, 90, 93; Adopted, H. J. 120, 121, 178.
- SCR 9 Board of Regents, College of Criminal Justice, establishment. Introduced, S. J. 99.
- SCR 10 State commerce commission, study committee created. Adopted, S. J. 178, 359, 564, 565; Introduced, H. J. 674, 675.
- SCR 11 Welp's Breeding Farm of Bancroft, Iowa, recognition upon receipt of President's "E" Award. Introduced and withdrawn, S. J. 203, 209; (substituted by HCR 13).
- SCR 12 Pioneer Lawmakers invited to joint session, April 1, 1971. Adopted, S. J. 234, 320; Adopted, H. J. 408.
- SCR 13 Legislative Service Bureau, dates for submission of bill requests. Adopted, S. J. 234, 337; Adopted, H. J. 426, 427, 465.
- SCR 14 Honorable Charles K. Sullivan, expressions of sorrow over his death. Adopted, S. J. 276; Adopted, H. J. 359.
- SCR 15 Karl King, Fort Dodge, Iowa, band director and composer, recognition of achievements. Adopted, S. J. 302, 308; Adopted, H. J. 388.
- SCR 16 "Iowa Concern for Prisoners of War Missing in Action Week" proclaimed March 21, 1971-March 27, 1971. Adopted, S. J. 351, 402; Adopted, H. J. 497, 498, 566.
- SCR 17 Board of Regents, College of Criminal Justice, funding. Introduced, S. J. 357, 358.
- SCR 18 State housing code on residential rental property, study committee created. Adopted, S. J. 358, 565, 566; Introduced, H. J. 675.
- SCR 19 President Richard M. Nixon invited to joint session, March 1, 1971. Adopted, S. J. 465; Adopted, H. J. 465.
- SCR 20 Governor Robert D. Ray invited to joint convention, March 1, 1971. Adopted, S. J. 387; Adopted, H. J. 480.
- SCR 21 Chief Justice and members of Supreme Court, elected state officials and Iowa Congressional delegation invited to joint convention, March 1, 1971. Adopted, S. J. 387, 388; Adopted, H. J. 480.
- SCR 22 Application forms used by state departments having examining and licensing duties, study committee created. Introduced, S. J. 420, 421, 902.
- SCR 23 Voting age, amendment to United States Constitution providing voting age of eighteen years. Introduced and withdrawn, S. J. 430, 676.
- SCR 24 House File 29 recalled from Governor for further consideration. Adopted, S. J. 436; Adopted, H. J. 540.
- SCR 25 State Department of Transportation, interim study. Adopted, S. J. 470, 665, 1151; Introduced, H. J. 1320.
- SCR 26 Dr. Norman Borlaug invited to address a joint convention. Adopted, S. J. 499, 500, 504; Adopted, H. J. 614, 689.
- SCR 27 Pari-mutuel system of betting, study committee appointed to report to Governor and General Assembly no later than January 31, 1972. Introduced, S. J. 553, 554, 1133.
- SCR 28 Bank holding companies and Iowa's financial institutions, interim study committee. Introduced, S. J. 554, 1890.
- SCR 29 Commendation of eleven Iowans who participated in Paris meeting on behalf of prisoners of war. Introduced, S. J. 714, 715.

- SCR 30 Iowa State University gymnastics team and coach, congratulations upon winning National Collegiate Athletic Association championship. Adopted, S. J. 747, 768; Introduced, H. J. 900, 969.
- SCR 31 Environmental preservation, committee to study. Introduced, S. J. 806.
- SCR 32 Board of Regents ten-year building program, 1971-81. Adopted, S. J. 838-841, 1951, 1954-1957; Adopted, H. J. 2152-54, 2198-2201.
- SCR 33 Board of Regents, authority to carry out certain projects, borrow money, and issue bonds. Adopted, S. J. 842, 843, 1953; Adopted, H. J. 2154-56, 2203, 2204.
- SCR 34 United States Department of Agriculture Veterinary Biologics Division Laboratory, Ames, Iowa, moving opposed. Adopted, S. J. 843, 844, 849; Adopted, H. J. 964.
- SCR 35 Railpax, U. S. Congress petitioned to suspend May 1, 1971 effective date and re-examine service and routes. Adopted, S. J. 884, 885, 914; Adopted, H. J. 1019, 1020, 1082.
- SCR 36 Environmental preservation, committee to study. Introduced, S. J. 958, 959.
- SCR 37 General Assembly, weekly schedule of four work days and session schedule of seventy-five session days for second session. Introduced, S. J. 959.
- SCR 38 Adjournment, Saturday, June 19, 1971 to reconvene Monday, January 10, 1972. Adopted, S. J. 1094, 1121, 2034; Adopted, H. J. 1272, 2102, 2148, 2149, 2211.
- SCR 39 School districts and school systems, study committee created. Introduced, S. J. 1109, 1110, 1239.
- SCR 40 Highway Commission, utilization of "in-house" capabilities. Failed, S. J. 1110, 1277.
- SCR 41 Adjournment of General Assembly, final procedure. Adopted, S. J. 1237, 1238, 1714; Adopted, H. J. 1891, 1892, 2076.
- SCR 42 National Legislative Conference, Secretary of Senate and Chief Clerk of House authorized to attend. Adopted, S. J. 1238, 1714; Adopted, H. J. 1892, 2076.
- SCR 43 National Legislative Conference, representatives' and committee members' expenses paid. Adopted, S. J. 1238, 1714; Adopted, H. J. 1892, 1893, 2076.
- SCR 44 George (Lefty) Mills, appreciation of work and best wishes on retirement. Adopted, S. J. 1526, 1527, 1713; Adopted, H. J. 1893, 2007.
- SCR 45 Statutory educational standards, study committee created. Introduced, S. J. 1855.
- SCR 46 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. 1860; Adopted, H. J. 2049, 2050, 2077.
- SCR 47 House File 654 recalled from Governor for further consideration. Introduced, S. J. 2035.

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1 Governor Ray's message, joint convention, January 12, 1971. Adopted, H. J. 9; Adopted, S. J. 12, 13.
- HCR 2 Additional employees for work of the session. Adopted, H. J. 13; Adopted, S. J. 12, 13.
- HCR 3 Distribution of written or printed matter to members of House or Senate under supervision of Sergeant-at-Arms. Adopted, H. J. 65, 158; Adopted, S. J. 114, 268, 269.
- HCR 4 January recess, Thursday afternoon, January 14, 1971, to reconvene 10:00 a.m., Monday, January 18, 1971. Adopted, H. J. 71; Adopted, S. J. 62.
- HCR 5 Apportionment plan for forty senatorial districts and eighty representative districts. Introduced, H. J. 71, 201.
- HCR 6 General Joseph G. May, Colonel Eric P. Berner, and Iowa National Guard, commended for work in arranging inaugural ceremonies. Adopted, H. J. 111, 146; Adopted, S. J. 108, 109, 120.
- HCR 7 Governor Ray's budget message, joint convention, January 27, 1971. Adopted, H. J. 128, 146; Adopted, S. J. 109, 120.
- HCR 8 Golden anniversary of Vocational Rehabilitation Branch of Department of Public Instruction, congratulations. Adopted, H. J. 157, 158, 167; Adopted, S. J. 124, 156.
- HCR 9 Iowa Master Plan for Higher Education, interim study committee. Adopted, H. J. 176, 968; Introduced, S. J. 868, 869.

- HCR 10 Iowa farmers, financial crisis, understanding and solutions sought. Adopted, H. J. 191, 192, 271; Introduced, S. J. 208.
- HCR 11 U. S. Departments of Agriculture, Commerce, and Labor, U. S. Congress urged to retain. Adopted, H. J. 192, 205, 206, 240; Introduced, S. J. 182.
- HCR 12 Removal of all military personnel from Southeast Asia, requested of President and U. S. Congress. Introduced, H. J. 222, 266.
- HCR 13 Welp's Breeding Farm of Bancroft, Iowa, recognition upon receipt of President's "E" Award. Adopted, H. J. 250, 251, 271; Adopted, S. J. 209 (substituted for SCR 11).
- HCR 14 Board of Regents, College of Criminal Justice, establishment. Introduced, H. J. 287, 288, 1704.
- HCR 15 Invasion of Laos, opposed. Introduced, H. J. 288, 322.
- HCR 16 Reapportionment, six congressional districts, each to contain eight senatorial districts; each senatorial district to contain two representative districts. Introduced, H. J. 302.
- HCR 17 Highway Commission, utilization of "in-house" capabilities. Introduced, H. J. 321, 427.
- HCR 18 Voting age, amendment to United States Constitution providing voting age of eighteen years. Adopted, H. J. 423, 477; Introduced, S. J. 381.
- HCR 19 Board of Regents, College of Criminal Justice, funding. Introduced, H. J. 443.
- HCR 20 Legalizing Acts, standards. Introduced, H. J. 470, 471.
- HCR 21 Joint convention held to hear President Richard M. Nixon. Adopted, H. J. 479; Adopted, S. J. 388.
- HCR 22 Penal and correctional system in Iowa, study committee created. Adopted, H. J. 518, 519, 819; Adopted, S. J. 713, 1111, 1656; Motion to reconsider, S. J. 1659.
- HCR 23 State-owned communications facilities, study committee created. Adopted, H. J. 524, 525, 778; Introduced, S. J. 682.
- HCR 24 Drake University basketball team, commended for outstanding season. Adopted, H. J. 568, 577; Adopted, S. J. 468, 503.
- HCR 25 Iowa land use proposals for consideration by Sixty-fourth General Assembly, 1972, study committee created. Introduced, H. J. 576.
- HCR 26 Pari-mutuel system of betting, study committee appointed. Introduced, H. J. 640, 641, 1767.
- HCR 27 Pari-mutuel system of betting, advisory study committee created to report to Governor and General Assembly no later than January 31, 1972. Introduced, H. J. 641.
- HCR 28 State flag, fiftieth anniversary of adoption, tribute to Dixie Cornell Gebhardt. Adopted, H. J. 734; Adopted, S. J. 635.
- HCR 29 Easter recess, Thursday, April 8, 1971, to reconvene Monday, April 12, 1971. Adopted, H. J. 774, 796; Adopted, S. J. 695, 722.
- HCR 30 Railroad service, study committee created. Introduced, H. J. 774.
- HCR 31 Joint evening memorial session, Wednesday, April 28, 1971 at 7:30 p.m. Adopted, H. J. 810, 833; Adopted, S. J. 718, 723.
- HCR 32 Insurance requirements of state departments, Governor to review. Adopted, H. J. 841, 911; Introduced, 787, 788.
- HCR 33 Statutory bonding provisions for state employees, state comptroller or auditor to review. Adopted, H. J. 842, 911; Introduced, S. J. 788.
- HCR 34 Environmental preservation, committee to study. Introduced, H. J. 869, 870.
- HCR 35 "Environmental week in Iowa" and Earth Day proclaimed. Adopted, H. J. 1004, 1013; Introduced, S. J. 920, 943.
- HCR 36 Daylight saving time, amendment to federal law providing commencement Memorial Day and end Labor Day. Introduced, H. J. 1106.
- HCR 37 Claims, action of joint claims committee approved by Senate and House. Adopted, H. J. 1501, 1502, 1608, 1812; Introduced, S. J. 1630.
- HCR 38 Claims, held over for consideration by Second Session of Sixty-fourth General Assembly. Adopted, H. J. 1586, 1813; Introduced, S. J. 1614.
- HCR 39 Holiday recess, Friday, May 28, 1971, to reconvene Tuesday, June 1, 1971. Adopted, H. J. 1640, 1669; Adopted, S. J. 1499, 1531, 1532.
- HCR 40 Local industrial plants, corporations and conglomerates buying and closing for income tax deductions, study committee created to study feasibility of prohibiting practice. Introduced, H. J. 1668, 1669.
- HCR 41 State assistance payments, not to be reduced because of increases in social security benefits. Introduced, H. J. 1703, 1742.
- HCR 42 Cable television, study committee created. Introduced, H. J. 2036, 2037.



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- HCR 43 Motorcycle operators, protective headgear and shatter-resistant safety glasses, goggles, or face masks, rule to be rescinded. Adopted, H. J. 1892, 1893, 2037, 2076.
  - HCR 44 Computerized information network, study committee to establish guidelines to protect privacy and security of innocent persons. Introduced, H. J. 2050.
  - HCR 45 Property tax exemptions, study committee to consider feasibility of retaining. Introduced, H. J. 2072.
  - HCR 46 Personal property taxes, study committee to consider inequities and recommend changes. Introduced, H. J. 2106, 2107.
  - HCR 47 Board of Regents, authorized to complete certain projects and issue bonds, from amount already approved, for veterinary medicine utility extensions construction and equipment. Introduced, H. J. 2140, 2141.
  - HCR 48 Categorical assistance programs, study committee created. Introduced, H. J. 2141.
  - HCR 49 Merit employment commission, uniform pay scales and fringe benefits plan to be provided. Introduced, H. J. 2194

### SENATE RESOLUTIONS

- SR 1 Appointment of secretaries for Lieutenant Governor and each Senator and appointment of committee to pass on proficiency of secretaries. Adopted, S. J. 11.
- SR 2 Honorable Earl Elijah, expressions of sorrow over his death. Adopted, S. J. 177, 178, 210.
- SR 3 "Iowa High School Senior Voter Registration Week," declared May 17, 1971. Adopted, S. J. 1070, 1169.
- SR 4 Secretary of Senate and staff, compensation during interim. Adopted, S. J. 1714.

### HOUSE RESOLUTIONS

- HR 1 Opening prayers, committee to arrange for ministers. Adopted, H. J. 12.
- HR 2 Clerks, pages and clerical assistance, appointment. Adopted, H. J. 12.
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