

State of Iowa
1975

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1975 REGULAR SESSION

OF THE

Sixty-sixth General Assembly

OF THE

STATE OF IOWA



WAYNE A. FAUPEL
CODE EDITOR

PHYLLIS BARRY
DEPUTY CODE EDITOR

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 1975 Regular Session of the Sixty-sixth General Assembly of the State of Iowa.

Wayne A. Faupel
Phyllis Barry

July 1975.

Section 622.59 of the 1975 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 1975 Regular Session of the Sixty-sixth 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; strike-through letters indicate deleted material.

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STATE ROSTER

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

List of elective state officers, judges of the supreme and district 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 1975 Session Laws for the Sixty-sixth General Assembly in accordance with the requirements of Code section 14.10 (4), 1975 Code of Iowa.

OFFICERS, COMMISSIONS AND BOARDS ELECTIVE OFFICERS

Name and Office	County from which originally chosen
GOVERNOR	
ROBERT D. RAY.....	Polk
Wythe Willey, Executive Assistant	Story
LIEUTENANT GOVERNOR	
ARTHUR A. NEU.....	Carroll
SECRETARY OF STATE	
MELVIN D. SYNHORST.....	Polk
J. Herman Schweiker, Deputy Secretary.....	Polk
AUDITOR OF STATE	
LLOYD R. SMITH.....	Polk
Ray Yenter, Deputy Auditor.....	Johnson
TREASURER OF STATE	
MAURICE E. BARINGER.....	Fayette
Roger G. Barnett, Deputy Treasurer.....	Polk
SECRETARY OF AGRICULTURE	
ROBERT H. LOUNSBERRY.....	Story
Thatcher Johnson, Deputy Secretary.....	Boone
ATTORNEY GENERAL	
RICHARD C. TURNER.....	Pottawattamie
Richard E. Haesemeyer.....	Polk
John I. Adams.....	Polk
John W. Baty.....	Story
John E. Beamer.....	Polk
Joseph S. Beck.....	Polk
Larry M. Blumberg.....	Polk
Ted R. Boecker.....	Polk
Donald H. Capotosto.....	Polk
Douglas R. Carlson.....	Polk
Bruce L. Cook.....	Polk
Joseph C. Coleman, Jr.	Polk
Roxanne B. Conlin.....	Polk
James C. Davis.....	Jasper
John R. Dent.....	Polk
Carol S. Egly.....	Polk
William G. Enke.....	Polk
Julian B. Garrett.....	Polk
Robert W. Goodwin.....	Story
Harry M. Griger.....	Polk
Fred H. Haskins.....	Polk
Dennis Hogan.....	Polk
Jack D. Hudson.....	Polk

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	County from which originally chosen
ATTORNEY GENERAL—Continued	
Robert R. Huijbregtse.....	Polk
Ronald M. Kayser.....	Marshall
Joseph S. Kelly, Jr.....	Polk
Dorothy V. Kelley.....	Polk
Gerald A. Kuehn.....	Allamakee
Jack W. Linge.....	Polk
David E. Linquist.....	Sigourney
Kevin M. Maggio.....	Webster
Thomas J. Mann.....	Johnson
John G. Mullen.....	Polk
Michael P. Murphy.....	Polk
George W. Murray.....	Polk
Thomas D. McGrane.....	Johnson
Elizabeth A. Nolan.....	Johnson
Stephen P. O'Meara.....	Polk
John R. Perkins.....	Polk
Hugh J. Perry.....	Polk
Clifford E. Peterson.....	Polk
William F. Raisch.....	Polk
Cheryl S. Ramey.....	Polk
James P. Robbins.....	Polk
Earl W. Roberts, Jr.....	Polk
Stephen C. Robinson.....	Polk
Franklin W. Sauer.....	Story
William D. Scherele.....	Milis
Asher E. Schroeder.....	Polk
Nancy J. Shimanek.....	Jones
Douglas R. Smalley.....	Polk
James N. Sourbeer.....	Polk
Raymond W. Sullins.....	Polk
Gary H. Swanson.....	Polk
Robert G. Tangeman.....	Polk
Richard A. Williams.....	Humboldt
Lorna L. Williams.....	Polk
Richard N. Winders.....	Polk
Garry D. Woodward.....	Muscatine
Harold A. Young.....	Polk

APPOINTIVE OFFICERS

Name and Office	City from which originally chosen	Term Ending
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ACCOUNTANCY BOARD

Ch. 116

Ruth E. Kuney.....	Des Moines.....	June 30, 1976
Leo E. Burger.....	Cedar Rapids.....	June 30, 1978
Harry Carlson.....	Des Moines.....	June 30, 1977
Roger R. Cloutier.....	Des Moines.....	June 30, 1976
Donald W. Brown.....	Ames.....	June 30, 1977

General Public Representatives

Harry C. Jensen.....	Des Moines.....	June 30, 1976
Ruth Roberts.....	Fort Dodge.....	June 30, 1978

ADJUTANT GENERAL

Ch. 29A

Major General Joseph G. May.....	Camp Dodge.....	June 30, 1979
Brig. General Ronald Woodin, Deputy Adjutant General.....	Camp Dodge.....	Pleasure of the Governor

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
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ADMINISTRATIVE RULES REVIEW COMMITTEE

Ch. 17A.8

Senate Members

Berl E. Priebe, Chairman.....	Algona.....	April 30, 1979
Minnette Doderer.....	Iowa City.....	April 30, 1979
E. Kevin Kelly.....	Sioux City.....	April 30, 1979
Phyllis Barry, Secretary		

House Members

W. R. Monroe, Jr., Vice Chairman.....	Burlington.....	April 30, 1979
Donald V. Doyle.....	Sioux City.....	April 30, 1979
Laverne W. Schroeder.....	McClelland.....	April 30, 1979

AGING, COMMISSION ON THE

Ch. 249B

Robert D. Blue, Director.....	Eagle Grove.....	June 30, 1975
W. W. Morris.....	Iowa City.....	June 30, 1975
Harry I. Prugh.....	Des Moines.....	June 30, 1977
Miss Louise M. Rosenfeld.....	Ames.....	June 30, 1977
Colleen Shaw.....	Corning.....	June 30, 1977

House Members

Ingwer L. Hansen.....	Hartley.....	June 30, 1977
Gregory D. Cusack.....	Davenport.....	June 30, 1979

Senate Members

Leonard C. Andersen.....	Sioux City.....	June 30, 1977
Louis P. Culver.....	Dunlap.....	June 30, 1979

AGRICULTURE MARKETING BOARD

§159.25

Orville Kalsem, Chairman.....	Huxley
Corwyn Hicks.....	Des Moines
Jerry Naylor.....	Scotch Grove
Walter Hamm.....	Sac City
Roscoe Marsden.....	Ames
Harvey W. Moeckly.....	Ames
Merlyn Groot.....	Manson
Ivan Queck.....	Fontanelle
Dr. Gene Futrell.....	Ames
Roger Christensen.....	Ogden
Gail K. Danilson.....	Des Moines
Keith Heffernan.....	Des Moines
Robert H. Lounsberry.....	Des Moines

AGRICULTURE PROMOTION BOARD

By Executive Order

Keith Kirkpatrick.....	Des Moines
James A. Mullins.....	Corwith
John Megown, Chairman.....	Marion
Max Naylor.....	Scranton
Karl Nolin.....	Ralston
Oliver Hansen.....	Durant
Arnold Waldstein.....	Storm Lake
D. R. Davidson.....	Chariton
E. Thurman Gaskill.....	Corwith
Kenneth Joslin.....	Minburn
L. B. Liddy.....	West Des Moines

Pleasure of
the Governor

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
ALCOHOLISM, COMMISSION ON		
§123A.2		
Judge Louis Fautsch, Chairman	Dubuque	June 30, 1976
Rev. Robert N. Ruleman	Red Oak	June 30, 1976
Frank J. Delaney	Burlington	June 30, 1976
Dr. William C. McCabe	Bettendorf	June 30, 1976
Mrs. Ruth Anderson	Waterloo	June 30, 1978
John E. Mackey	Sioux City	June 30, 1978
Frank T. Harrison	Urbandale	June 30, 1978
Sutherland Cook	Cedar Rapids	June 30, 1978
Mrs. Rosemary S. Sackett	Okoboji	June 30, 1978

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Ch. 28H

Melvin D. Synhorst, Secretary of State		
Dr. Peter Harstad, Director, Historical Society		
Jack W. Musgrove, Director, Division of Historical Museum and Archives		
Fred A. Prierwert, Director, Conservation Commission		
W. Robert Parks, President, Iowa State University		
Willard Boyd, President, University of Iowa		
Dr. John J. Kamerick, 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		
Mrs. Evelyn Birkby	Sidney	
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 Member)		
Steve Zumbaugh (Honorary Member)	Iowa City	
Forrest V. Schwengels	Fairfield	
Norman G. Rodgers	Adel	
Lillian McElroy	Percival	
Richard L. Byerly	Ankeny	

APPEAL BOARD

(Public Contracts and Bonds)

Ch. 23

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

APPEAL BOARD ON STATE INSTITUTION CONSTRUCTION
CONTRACTS

Ch. 22

Donald Ossian	Denison	June 30, 1977
Albert A. Augustine	Des Moines	June 30, 1975
Marvin R. Selden, Jr., Comptroller	Des Moines	Ex Officio Chairman

ARCHAEOLOGIST

Ch. 305A

Marshall McKusick

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
ARCHITECTURAL EXAMINERS		
Ch. 118		
David W. Frevert.....	West Des Moines.....	June 30, 1977
Richard H. Brom.....	Waterloo.....	June 30, 1976
Harold J. Stewart.....	Davenport.....	June 30, 1978
James A. Lynch.....	Des Moines.....	June 30, 1978
James M. Duffy.....	Sioux City.....	June 30, 1976
Ms. Nancy G. McHugh.....	Cedar Rapids.....	June 30, 1977
Mrs. Margaret Apostle.....	Grinnell.....	June 30, 1978
Lois Kalleen, Executive Secretary		

ARCHITECTURAL EXAMINERS—LANDSCAPE

§118A.3

Herman W. Thompson.....	Cedar Rapids.....	June 30, 1976
Thomas A. Barton.....	Ames.....	June 30, 1976
Milford A. Fjare.....	Council Bluffs.....	June 30, 1977
David L. Dahlquist.....	Des Moines.....	June 30, 1978
James B. Sinatra.....	Ames.....	June 30, 1978
<i>General Public Members</i>		
N. Earl Ferris.....	Hampton.....	June 30, 1977
Nancy Seiberling.....	North Liberty.....	June 30, 1978

ARMORY BOARD

§29A.57

Major General Joseph G. May.....	Adjutant General	
Brig. General Francis J. Kelly.....	Dubuque	
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.....	Winterset	
Lt. General Frank P. Williams.....	Cedar Falls	

ARTS COUNCIL

Ch. 304A

Wayne A. Norman.....	Dubuque.....	June 30, 1976
Richard E. Leet.....	Mason City.....	June 30, 1976
Richard Williams.....	Cedar Rapids.....	June 30, 1976
Dr. Lawrence F. Mills.....	Pella.....	June 30, 1976
Raymond T. Forsberg.....	Waterloo.....	June 30, 1977
Dr. Frank Summerside.....	LeMars.....	June 30, 1977
Mrs. Phyllis Lepke.....	Ames.....	June 30, 1978
Mrs. Marilyn Ann Jorgensen.....	Garrison.....	June 30, 1976
Mrs. Marie Millard.....	Woodbine.....	June 30, 1977
J.W. (Jim) Henry.....	Sioux City.....	June 30, 1977
Mrs. Alice R. Bowers.....	Keokuk.....	June 30, 1977
H. Mel Willits.....	Des Moines.....	June 30, 1977
Jack L. Briggs.....	Des Moines.....	June 30, 1978
Mrs. Rhoda M. McCartney.....	Charles City.....	June 30, 1978
Mrs. Mary Ellen Kimball.....	Osceola.....	June 30, 1978

ATHLETICS COMMISSIONER

§727A.2

Melvin D. Synhorst.....	Des Moines.....	Pleasure of the Governor
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STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
ATHLETICS COMMISSIONER'S ADVISORY COMMITTEE		
Ch. 727A		
Al (Babe) Bisignano	Des Moines	Pleasure of the Governor
Calvin Crook	Newton	
Clayton L. Johnson	Sioux City	
Harold J. (Gus) Schrader	Cedar Rapids	
John L. Edwards	Des Moines	
Judd L. Truax	Cedar Falls	

BANKING BOARD

§524.205

Francis Price	Des Moines	June 30, 1977
John B. Rigler	Muscatine	June 30, 1977
James W. Cravens	Sanborn	June 30, 1977
Joseph G. Knock	Creston	June 30, 1977
Julia Anderson	Ames	June 30, 1977
Ed. H. Spetman, Jr.	Council Bluffs	June 30, 1977
Cecil Dunn, Superintendent	Eagle Grove	June 30, 1977

BEEF PRODUCERS TASK FORCE

Executive Order

Holmes Pedelty, Chairman	Clear Lake	Pleasure of the Governor
John Airy	Des Moines	
Gerald Frankl	South Sioux City, Neb.	
David Grismore	Corydon	
Durwood Mommsen	Goose Lake	
Gaylen Winterhof	Glava	
Del Van Horn	Des Moines	
LuVern Gustafson	Cherokee	
Charles Phelps	Hastings	
Severt Van Berkle	Sioux Center	
Hugh Septer	Ida Grove	
David Mitchell	Sioux City	
Robert C. Brenton	Des Moines	
Irving Anton	LaPorte City	
B. F. Eason, Jr.	Battle Creek	
Baxter Freese	Wellman	
G. L. Pearson	Spencer	

BEER AND LIQUOR CONTROL COUNCIL

§123.5

James Mulqueen, Chairman	Council Bluffs	Dec. 31, 1978
J. Stuart Kirk	Des Moines	Dec. 31, 1976
Harlan Lowe	Toledo	Dec. 31, 1977
Joan Ballantyne	Cherokee	Dec. 31, 1980
Don Bell	New London	Dec. 31, 1975

BLIND, COMMISSION FOR

Ch. 93

Mrs. Nel Bonnell	Fort Dodge	June 30, 1978
Elwyn Hemken	Blairsburg	June 30, 1976
Mrs. Sally Frudden	Charles City	June 30, 1977

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
BONUS BOARD		
Ch. 35		
Lloyd R. Smith, Auditor of State		
Maurice E. Baringer, Treasurer of State		
Major General Joseph G. May, Adjutant General		
Robert R. White, Secretary of Board		
Ray J. Kauffman, Executive Secretary		
BUILDING CODE ADVISORY COUNCIL		
Ch. 103A		
Jack Bloodgood	Des Moines	June 30, 1976
Herman T. Wideman	Des Moines	June 30, 1978
Robert Williams	Des Moines	June 30, 1978
Glen E. Lundblad	Sioux City	June 30, 1978
Earl Yoder	Iowa City	June 30, 1976
Francis Messerly	Cedar Falls	June 30, 1976
Robert Ernster	Guttenberg	June 30, 1976
BUILDINGS AND GROUNDS SUPERINTENDENT		
Ch. 18		
John Drummond	At the pleasure of General Services Administration	
CAMPAIGN FINANCE DISCLOSURE COMMISSION		
Ch. 56		
Larry Scalise	Des Moines	June 30, 1979
Charles W. Wiggins	Ames	June 30, 1977
Russell M. Ross	Iowa City	June 30, 1977
Miss Jolene Stevens	Sioux City	June 30, 1981
Charles G. Rehling	Davenport	June 30, 1979
CAPITOL PLANNING COMMISSION		
Ch. 18A		
Stanley L. McCausland	Des Moines	
James W. Hubbell	Des Moines	April 30, 1979
Mrs. Polly Moore	Des Moines	April 30, 1977
Harold C. McCormick	Manchester	April 30, 1979
<i>House Members</i>		
Glenn F. Brockett	Marshalltown	April 30, 1977
John Brunow	Centerville	April 30, 1979
<i>Senate Members</i>		
Warren E. Curtis	Cherokee	April 30, 1977
Karl Nolin	Ralston	April 30, 1979
CHILD ABUSE INFORMATION COUNCIL		
Ch. 235A		
Mrs. Margaret Hurst	Sioux City	Pleasure of Governor
Miss A. Jean Purdy	Des Moines	
Donald H. Strand	Iowa City	
Kevin J. Burns	Des Moines	
<i>Other members of Council</i>		
E. Kevin Kelly, Senator	Sioux City	
Steve Sovern, Senator	Marion	
Joan Lipsky, Representative	Cedar Rapids	Pleasure of Speaker
John H. Connors, Representative	Des Moines	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
CHILDHOOD DEVELOPMENT, TASK FORCE ON EARLY		
Senate Concurrent Resolution		
125, Acts of 65th G.A. 1974		
Session		
<i>Consumer Representatives</i>		
John Wauters	Burlington	
Mrs. Thelma Johnson	Charles City	
George W. Boykin	Sioux City	
Mrs. Cleo Putney	Council Bluffs	Pleasure of Governor
Mrs. Jeanne Dixon	Ames	
Mrs. Phyllis Madlock	Cedar Rapids	
<i>Provider Representatives</i>		
Mrs. Jean Parker	Waterloo	
Mrs. Kathleen E. Collison	Cedar Rapids	
S.M. Corita Heid	Dubuque	
Evelyn Davis	Des Moines	
Alma Ward	Tama	
<i>Representatives of State Departments</i>		
Mrs. Helen McDonald	Des Moines	
Harold K. Poore	Des Moines	
Donald V. Cox	Des Moines	
Miss Leona Ringgenberg	Des Moines	
Mrs. Alice A. McKee	Des Moines	
<i>Members of General Assembly</i>		
Donald V. Doyle	Sioux City	
Minnette F. Doderer	Iowa City	
John S. Murray	Ames	

CHILD LABOR COMMITTEE

§92.21

Jerry Addy, Chairman		
Robert D. Benton, Supt. of Public Instruction		
John Spear, Employment Security Commission		
Mrs. Forrest K. Binger (Penny)	Cedar Rapids	June 30, 1978
Clifford H. Boldt	Davenport	June 30, 1978

CITY DEVELOPMENT BOARD

§368.9

Michael Vincent Dunn	Keokuk	June 30, 1980
Mrs. Sharon Nail	Webster City	June 30, 1976

CITY FINANCE COMMITTEE

§384.13

E. Newell Faust	Des Moines	June 30, 1976
Charles O'Connor	Des Moines	June 30, 1978
Mrs. Betty Jo Harker	Ames	June 30, 1978
David A. Smith	Algona	June 30, 1976
James E. Lindsay	Ida Grove	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
CIVIL RIGHTS COMMISSION		
Ch. 105A		
Charles W. Toney	Davenport	June 30, 1979
Gretchen M. Bataille (Mrs.)	Ames	June 30, 1979
Dr. Gary H. Koerselman	Sioux City	June 30, 1979
George F. Garcia	Iowa City	June 30, 1977
James N. Gillman	Des Moines	June 30, 1977
Gretchen Walsh	Dubuque	June 30, 1977

**CLIENT SECURITY AND ATTORNEY
DISCIPLINARY COMMISSION**

David A. Elderkin	Cedar Rapids	Jan. 1, 1980
Harris R. Stafford	Grinnell	Jan. 1, 1980
John E. Nagle	Davenport	Jan. 1, 1976
John H. Neiman	Des Moines	Jan. 1, 1976
Meredith (Mrs. LeRoy K.) Berryhill	Fort Dodge	Jan. 1, 1977
Marvin J. Klass	Sioux City	Jan. 1, 1978
Sanford Turner	Clarinda	Jan. 1, 1979

CODE EDITOR

Ch. 14

Wayne A. Faupel	Clear Lake	Pleasure of the Supreme Court
Phyllis Barry, Deputy	Des Moines	

COMMERCE COMMISSION

Ch. 474

Fred Moore	Des Moines	June 30, 1979
Maurice Van Nostrand, Chairman	Des Moines	June 30, 1977
Mrs. Mary F. Holstad	Des Moines	June 30, 1981
Dean A. Briley, Executive Secretary		

COMPENSATION COMMISSION

(Salary Review)

§2A.4

James D. Lynch, Jr. Chrm.	Des Moines
Ann Miletich, Vice Chrm.	Albia
Hugh D. Clark	Des Moines
F. Forbes Olberg	Cedar Rapids
Robert Newberg	West Des Moines
Donald Arnold	Des Moines
James Wirtz	Emmetsburg
Mrs. Anna Smith	Clarinda
Gordon James	Des Moines
J. Duane Mortensen	Dubuque
Robert Buck	Waukee
Tom Miller	Cherokee
E. Howard Hill	Minburn
James Van Werden	Adel
Bill H. Myers	Davenport

COMPTRROLLER

Ch. 8

Marvin R. Selden, Jr.	Des Moines	Pleasure of the Governor
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STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
CONFIDENTIAL RECORDS COUNCIL		
§749B.19		
Hon. Robert D. Ray, Governor		
Donald H. Zarley	Des Moines	Pleasure of the
George J. Matias	Cedar Rapids	Governor
Mrs. Jack D. Levin	Newton	
Kenneth R. Paulsen	Davenport	
Charles Larson, Commission- er Public Safety	Des Moines	
Anthony M. Critelli	Des Moines	Pleasure of the Supreme Court
<i>House Members</i>		
Laverne W. Schroeder	McClelland	Pleasure of
Arthur A. Small, Jr.	Iowa City	Speaker
<i>Senate Members</i>		
James M. Redmond	Cedar Rapids	Pleasure of
Ray Taylor	Steamboat Rock	the Lt. Governor

CONSERVATION COMMISSION

Ch. 107

Mrs. Marian Pike	Whiting	June 30, 1981
Mrs. John C. Brophy	Lansing	June 30, 1981
Thomas A. Bates	Bellevue	June 30, 1981
Carolyn Lumbard	Des Moines	June 30, 1977
John G. Link	Burlington	June 30, 1977
John C. Thompson	Forest City	June 30, 1979
Herb Reed	Winterset	June 30, 1979
Fred A. Prierwert, Director		

CRIME COMMISSION

Ch. 80C

Richard C. Turner, Attorney General		
Charles W. Larson, Acting Executive Director; Commissioner, Dept. of Public Safety		
Craig Beek, Bureau of Criminal Investigation		
John Callaghan, Law Enforcement Academy		
Nolan Ellandson, Adult Corrections, Social Services		
Col. Howard Miller, Iowa Highway Patrol		
Judge Leo Oxberger	Des Moines	June 30, 1975
John D. Scarlett	West Des Moines	June 30, 1975
Keith H. Dunton	Thornburg	June 30, 1975
Silas Ewing	Des Moines	June 30, 1975
Deral Houck, Sheriff	Leon	June 30, 1975
Prof. Richard L. Holcomb	Iowa City	June 30, 1975
Ralph W. Lindhorst	Algona	June 30, 1975
Mrs. Martha M. Ribble	Cedar Rapids	June 30, 1975
Ira S. Berck	Ames	June 30, 1975
Mrs. Darlene Allen	Fort Madison	June 30, 1975
Robert C. Jacobson, Ph.D.	Vinton	June 30, 1976
David M. Nelsen	Mason City	June 30, 1976
Ray G. Robinson, M.D.	State Center	June 30, 1976
Forrest V. Schwengels	Fairfield	June 30, 1976
Mrs. Dorothy Buckingham	Council Bluffs	June 30, 1976
Jack L. Burns	Muscatine	June 30, 1976
Virgil A. Cruz, Ph.D.	Dubuque	June 30, 1976
Miss Josephine Gittler	Iowa City	June 30, 1976
Mark McCormick	Des Moines	June 30, 1976
David B. Moore	Harlan	June 30, 1976
Walter L. Saur	Oelwein	June 30, 1976
Jack Thomsen	Bettendorf	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
CUSTODIAL BED CARE, TASK FORCE ON		
Not Codified		
Norman Pawlewski	Des Moines	Pleasure of Governor
Mrs. Delores Lowe	Waterloo	
Barton L. Schwieger	Waterloo	
Mrs. Leona Petersen	Des Moines	
Mrs. Helen Henderson	Des Moines	
Kevin J. Burns	Des Moines	
Gregory D. Cusack	Davenport	
Frank Fair	Des Moines	
Wilbur Johnson	Des Moines	
Paul F. Bechtold	Des Moines	
Michael Kane	Davenport	
Bill Howard	Des Moines	
Jerry L. Starkweather	Des Moines	
Lucas J. DeKoster	Des Moines	
<p style="margin-left: 40px;">Mrs. Evelyne R. Villmes, Chairman Exec. Sec.</p>		

DATA PROCESSING IN SCHOOLS, COMMITTEE ON ELECTRONIC
§257.10

John G. Helkenn	Des Moines	Pleasure of the Governor
C. C. Mosier	Ames	
<p>Robert D. Benton, Superintendent, Department of Public Instruction, Chairman Stanley McCausland, Director, General Services Administration Marvin Selden, Jr., Comptroller</p>		

DENTAL EXAMINERS

§147.14

Wayne J. Barnes, D.D.S.	Sioux City	June 30, 1977
Dr. Robert L. Moore	Hampton	June 30, 1977
David L. Wolf, D.D.S.	Cedar Rapids	June 30, 1976
Thomas A. Underkofler	Marshalltown	June 30, 1977
Clarence R. Hosford, D.D.S.	Monticello	June 30, 1978

Dental Hygienists

Miss Carolyn Tufty	Cedar Rapids	June 30, 1976
Marcia L. Wiedmeyer (Mrs.)	Des Moines	June 30, 1978

Public Members

Mrs. Jean A. Tester	Iowa City	June 30, 1976
Mrs. Connie Price	Des Moines	June 30, 1978
William A. Miller	Des Moines	

DEVELOPMENT COMMISSION

Ch. 28

John P. Tinley	Shenandoah	June 30, 1976
Frank W. Griffith	Sioux City	June 30, 1976
Robert K. Beck	Centerville	June 30, 1977
James W. Callison, Vice Chairman	Des Moines	June 30, 1977
Forrest J. Mitchell, Jr.	Grinnell	June 30, 1976
John P. Bickel	Cedar Rapids	June 30, 1978
E. A. Hayes, Chairman	Mt. Pleasant	June 30, 1978
Kenneth H. Joslin	Minburn	June 30, 1975
E. Thurman Gaskill	Corwith	June 30, 1977
Mrs. Mardelle Noble	Oelwein	June 30, 1975
Ronald L. Kiger	Council Bluffs	June 30, 1977
Delmar Van Horne, Director	Des Moines	Pleasure of the Governor

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
DEVELOPMENTAL DISABILITIES COUNCIL		
Stat. L., U.S.		
Robert D. Benton	Des Moines	Dec. 31, 1976
Kevin J. Burns	Des Moines	Dec. 31, 1976
Mrs. Helen Henderson	Des Moines	Dec. 31, 1975
Rolfe B. Karlsson	Des Moines	Dec. 31, 1975
Dudley R. Koontz	Cedar Rapids	Dec. 31, 1975
Ira E. Larson	Cedar Rapids	Dec. 31, 1975
Mrs. Lou Lyon	Clinton	Dec. 31, 1977
John C. MacQueen, M.D.	Iowa City	Dec. 31, 1977
Mrs. Elizabeth McTigue	Fort Dodge	Dec. 31, 1977
Thomas S. Sweeney	Webster City	Dec. 31, 1975
William U. Patton	Storm Lake	Dec. 31, 1977
Norman Pawlewski	Carlisle	Dec. 31, 1976
Raymond R. Rembolt	Iowa City	Dec. 31, 1977
R. Wayne Richey	Des Moines	Dec. 31, 1976
Mrs. Wanda Schnebly	Forest City	Dec. 31, 1975
Joseph Tate	Des Moines	Dec. 31, 1975
Mrs. Evelyne R. Villines	Des Moines	Dec. 31, 1975
Margaret G. Westerhof	Carlisle	Dec. 31, 1977

DRUG ABUSE AUTHORITY DIRECTOR AND ADVISORY COUNCIL

Fred S. Brinkley, Jr., Director	Des Moines	Pleasure of the Governor
Gerald A. Baldner	Elkader	June 30, 1975
William Tysseling	Ames	June 30, 1976
George Strayer	Hudson	June 30, 1975
Mrs. Carole Harder	Cedar Rapids	June 30, 1976
Darrell Ensz	Ottumwa	June 30, 1977
Frederick C. Blackledge	Des Moines	June 30, 1977
Harry G. Hoyt, Jr.	Davenport	June 30, 1976
Harrison C. Fisch	Primghar	June 30, 1975
Harry Wood	Des Moines	June 30, 1977
Jeff Voskans	Des Moines	June 30, 1977
Dr. Herbert L. Nelson	Iowa City	June 30, 1976
Dr. Burton Routman	Des Moines	June 30, 1975
Dr. F. W. Bennett	West Des Moines	June 30, 1974
Dwight Fry	Des Moines	June 30, 1976
Mrs. Ann Weir	Des Moines	June 30, 1975
David White	Des Moines	June 30, 1974
Jerry Parkin	Des Moines	June 30, 1975
Joseph Coleman, Jr.	Des Moines	June 30, 1976
George Mayer	Des Moines	June 30, 1974
A. John Martin	Winterset	June 30, 1974
Eugene Fitzsimmons	Des Moines	June 30, 1975
Don Perkins, Chairman	Des Moines	June 30, 1976
Rev. William Denny	Council Bluffs	June 30, 1975
Frank Burrows	Des Moines	June 30, 1978

DRUG TREATMENT LICENSING BOARD

Paul H. Crews	Des Moines	June 30, 1976
Don Perkins	Des Moines	June 30, 1977
Dr. Kirk Strong	Fairfield	June 30, 1975
Dr. James F. Stiles	Cedar Rapids	June 30, 1975
F. W. Pickworth	Des Moines	June 30, 1978
R. Dennis Bowers	Des Moines	June 30, 1977
Ronald J. Mahrenholz	Des Moines	June 30, 1976
Herbert L. Notch	Newton	June 30, 1977

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
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ECONOMIC ADVISORY COUNCIL

Exec. Order No. 20

Gene A. Futrell, Ph.D.	Ames	Dec. 31, 1975
Marvin A. Pomerantz	Des Moines	Dec. 31, 1975
Gordon R. Johnson	Des Moines	Dec. 31, 1975
Joseph A. Swanson, Ph.D.	Iowa City	Dec. 31, 1975
Mrs. Margaret B. Andersen	Waterloo	Dec. 31, 1975

Staff Liaison

W. Ronald Sagraves
Director of Economic Affairs
Office for Planning and Programming

ECONOMIC OPPORTUNITY OFFICE

Robert F. Tyson, Director	Shenandoah	Pleasure of the Governor
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EDUCATION COMMISSION OF THE STATES

Ch. 272B

Robert D. Ray, Governor		
Robert D. Benton	Des Moines	April 30, 1977
Stanley Redeker	Boone	April 30, 1979

House Members

Sonja Egenes	Story City	June 30, 1977
John E. Patchett	North Liberty	June 30, 1979

Senate Members

Elizabeth O. Shaw	Davenport	June 30, 1977
Joan Orr	Grinnell	June 30, 1979

EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD

§8A.7

William B. Quarton	Cedar Rapids	June 30, 1977
Dr. Louis E. Smith	Indianola	June 30, 1975
Robert D. Benton	Des Moines	June 30, 1977
John E. van der Linden	Sibley	June 30, 1976
Mrs. Earl G. Sievers	Avoca	June 30, 1975
John Baldrige	Chariton	June 30, 1977
Dr. Robert F. Ray, Chairman	Iowa City	June 30, 1976
Ralph H. Wallace, Vice Chairman	Mason City	June 30, 1976
S. J. Brownlee	Emmetsburg	June 30, 1975

COMMISSIONER OF ELECTIONS, STATE

§47.1

Melvin D. Synhorst, Commissioner of Elections
J. Herman Schweiker, Deputy Commissioner of Elections
Louise A. Whitcome, Director

EMPLOYEE DEVELOPMENT, POLICY COMMITTEE ON STATE

Maurice Baringer	West Des Moines
Clayton Ringenberg	Iowa City
Marvin Selden, Jr.	Des Moines
George Lundberg	Des Moines
Jerry Addy	Des Moines
Charles Larson	Newton

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
EMPLOYEE DEVELOPMENT, POLICY COMMITTEE ON STATE—Continued		
Norman Pawlewski	Des Moines	
Richard N. Smith	Des Moines	
Mrs. Evelyne R. Villines	Des Moines	
Wallace L. Keating	Des Moines	
Fred Priewert	Des Moines	
Kevin J. Burns	Des Moines	

EMPLOYMENT AGENCY LICENSING COMMISSION

Ch. 95

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

EMPLOYMENT SECURITY COMMISSION

§96.10

Abe D. Clayman	West Des Moines	June 30, 1977
George A. Lundberg	Des Moines	June 30, 1981
Colleen Shearer	Carlisle	June 30, 1979

ENERGY POLICY COUNCIL

§93.2

John P. Millhone, Exec. Director	Des Moines	
Mrs. Harriette J. Baum	Manchester	June 30, 1976
James P. Fuller	Muscatine	June 30, 1976
Mrs. Harriette Lindberg	Des Moines	June 30, 1976
Orren S. Olson	Humboldt	June 30, 1976
Robert D. Porter	Sioux City	June 30, 1976

House Members

Brice C. Oakley	Clinton
Gregory D. Cusack	Davenport

Senate Members

Calvin O. Hultman	Red Oak	Pleasure of the Governor
James V. Gallagher	Jesup	

ENGINEERING EXAMINERS BOARD

Ch. 114

Burt R. Livingston	Newton	June 30, 1976
Harrison Kane	Iowa City	June 30, 1976
Ronald D. Brown, P.E.	Muscatine	June 30, 1977
Francis E. Holland	Mason City	June 30, 1978
Arnold O. Chantland	Ames	June 30, 1978
Mrs. Dawn E. Chapman	Cedar Rapids	June 30, 1977
Herman Lewis	Edgewood	June 30, 1978

ENVIRONMENTAL QUALITY, DEPARTMENT OF

Ch. 455B

Larry E. Crane, P.E., Exec. Dir.	Des Moines	Pleasure of the Governor
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Air Quality Commission

Hal Richerson	Iowa City	
O. Graydon Anderson	Greene	June 30, 1976
Herb Campbell	Washington	June 30, 1978
Mrs. Helen J. Gleeson	Sioux City	June 30, 1978
John D. Thorson	Council Bluffs	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
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ENVIRONMENTAL QUALITY, DEPARTMENT OF—Continued

Chemical Technology Commission

Robert H. Lounsberry, Secretary of Agriculture
 Norman Pawlewski, Acting Commissioner of Public Health
 Othie R. McMurry, Director of the Iowa Natural Resources Council
 Donald Johnson, Chairman State Soil Conservation Committee, Fairfield
 Robert Josten, Chief Executive of the League of Iowa Municipalities
 Fred A. Priewert, Director of the State Conservation Commission
 Lee R. Kolmer, Iowa State University, Ames, Iowa
 Gordon E. Mau.....New Hampton.....June 30, 1978
 Robert C. Yapp.....Des Moines.....June 30, 1978

Solid Waste Disposal Commission

Otto Tennant, Iowa Engineering
 Society.....Des Moines.....June 30, 1976
 Charles Laverty.....Indianola.....June 30, 1976
 Mrs. Rosemary Shearer.....Des Moines.....June 30, 1978
 Fred Gosch.....Webster City.....June 30, 1976
 Mrs. Ann Frenzen.....Cedar Rapids.....June 30, 1978

Water Quality Commission

C. B. Curtis, Iowa Development
 Commission.....Newton.....June 30, 1976
 Robert Buckmaster.....Waterloo.....June 30, 1976
 Dale Hendricks.....Bloomfield.....June 30, 1976
 James Bellamy.....Knoxville.....June 30, 1978
 Bob Russell.....Iowa City.....June 30, 1978

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
 Robert H. Lounsberry, Secretary of Agriculture
 West C. Wellman, Secretary

FAIR BOARD

Ch. 173

C. C. Wagler.....Bloomfield
 C. J. Matthiessen.....Monticello
 Thomas Huston, Treasurer.....
 Kenneth R. Fulk, Secretary.....Des Moines
 Don Greiman.....Garner
 Howard Waters, Vice President.....Danville
 Joe Deeney.....Waukon
 W. L. Yount.....Altoona
 Jean M. Kleve, President.....Humboldt
 G. W. Prince.....Guthrie Center
 H. M. Duncan.....Columbus Junction
 Robert D. Ray, Governor
 W. Robert Parks, President, Iowa State University, Ames
 Robert H. Lounsberry, Secretary of Agriculture

FAMILY PRACTICE EDUCATION ADVISORY BOARD

§148C.3

Mrs. Claudine Mansfield.....Humboldt
 Mrs. Madge Phillips.....Cedar Rapids

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
FIRE MARSHAL		
Ch. 100		
Wilbur R. Johnson	Altoona	
Reynold Hentges, Assistant Fire Marshal		

FORT DODGE RIVER FRONT COMMISSION

John Simpson	Fort Dodge	December 31, 1977
Fred Breen	Fort Dodge	December 31, 1979
Robert Gunderson	Fort Dodge	December 31, 1975

GENERAL SERVICES

§18.2

Stanley McCausland, Director

GEOLOGICAL BOARD

Ch. 305

Robert D. Ray, Governor, Chairman
 Lloyd R. Smith, Auditor of State
 Willard Boyd, President, University of Iowa
 W. Robert Parks, President, Iowa State University
 Paul Meglitsch, President, Iowa Academy of Science
 Stanley C. Grant, Director

GEOLOGIST

Ch. 305

Dr. Stanley C. Grant, Director	Cedar Falls	Pleasure of
Orville J. Baneck, Associate State Geologist		the Geological
Donald L. Koch, Assistant		Board

HANDICAPPED, EMPLOYMENT OF THE

Ch. 601F

Hugh Doty, Chairman	Mechanicsville	June 30, 1975
Ronald Herrig, Vice Chairman	Dubuque	June 30, 1975
Richard V. Hopkins	Davenport	June 30, 1975
Sister Mary Miguel	Council Bluffs	June 30, 1975
Nate Ruben	Des Moines	June 30, 1975
Mrs. Helen Settle	Marshalltown	June 30, 1975
James Albert	Cedar Rapids	June 30, 1975
Edward F. Winter	Cedar Rapids	June 30, 1975
James A. Johnson	Clemens	June 30, 1976
William J. Wagner	Dallas Center	June 30, 1976
Harold S. Palmer	Oskaloosa	June 30, 1976
Hugh D. Clark	Des Moines	June 30, 1976
James N. Bethel	Des Moines	June 30, 1976
Ralph G. Neppel	Iowa City	June 30, 1976
K. R. Ernst, O.D.	Waterloo	June 30, 1976
Edward F. McCartan	Des Moines	June 30, 1976
Ronald G. Grooms	Ames	June 30, 1976
Charles F. Ashman	Elkader	June 30, 1976
Rolfe B. Karlsson	Des Moines	June 30, 1976
Wm. D. deGravelles, Jr., M.D.	Des Moines	June 30, 1976
Rodney Kruse	Ames	June 30, 1976
Dorothy J. Douglass, Ph.D.	Iowa City	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
HANDICAPPED, EMPLOYMENT OF THE—Continued		
O. Lee Minear.....	West Des Moines.....	June 30, 1976
Donald N. Swenson.....	Des Moines.....	June 30, 1976
Arne Sorlien.....	Des Moines.....	June 30, 1976
Bud Hawn.....	Waterloo.....	June 30, 1976
Robert Broshar, AIA.....	Waterloo.....	June 30, 1976
Paul P. Brodigan.....	Glenwood.....	June 30, 1976
Jane L. Spieker.....	Des Moines.....	June 30, 1976
Gayle Greenwald (Mrs.).....	Iowa City.....	June 30, 1976
Thelma Kendall.....	Boone.....	June 30, 1976
Keith H. Dunton.....	Thornburg.....	June 30, 1976

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
 Robert H. Lounsberry, Secretary of Agriculture

Members:

Harry C. Rasdal, O.D.....	Spencer.....	June 30, 1975
Albert J. Soucek, D.D.S.	Iowa City.....	June 30, 1975
Mrs. Richard Maas, R.N.	Liscomb.....	June 30, 1975
E. E. Gamet, M.D.....	Lamoni.....	June 30, 1976
John C. Edgerton, D.O.	Manning.....	June 30, 1976
Dr. Paul Seebohm.....	Iowa City.....	June 30, 1977
Dr. Vaughn Seaton.....	Ames.....	June 30, 1977
P. J. Leehey, M.D.....	Independence.....	June 30, 1977

HEALTH, COMMISSIONER OF

Ch. 135

Norman Pawlewski, Commissioner.....Des Moines
 Kenneth Karch, Director

HEALTH DEPARTMENT

Ch. 147

Practice Acts Examining Boards

Barber Examiners

Richard E. Sisco.....	Cedar Rapids.....	June 30, 1977
Alfred D. Wilson.....	Des Moines.....	June 30, 1976
Harold L. Erichsen.....	Sioux City.....	June 30, 1978
Patricia E. Cornick.....	Des Moines.....	June 30, 1978
Betty L. Biondi.....	Des Moines.....	June 30, 1976

Chiropractic Examiners

Dr. Larry Z. Lindemann.....	Jewell.....	June 30, 1978
Milton F. Schlein, D.C.....	Postville.....	June 30, 1978
Sister Mary Xavier Coens.....	Dubuque.....	June 30, 1977
Carol H. Schaefer.....	Davenport.....	June 30, 1978
Larry E. Phipps, D.C.....	Grinnell.....	June 30, 1977
Anthony Paul Untz, D.C.....	Dyersville.....	June 30, 1976
Gretchen N. Schreffler, D.C.....	Iowa City.....	June 30, 1976

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
HEALTH DEPARTMENT—Continued		
<i>Cosmetology Examiners</i>		
Carole Tracy	Dubuque	June 30, 1977
Mrs. Nancy Welter	Cedar Rapids	June 30, 1978
Mrs. Marian Lokken	Ames	June 30, 1976
Mrs. Helen Mefferd	Laurens	June 30, 1978
Mrs. Willie Glanton	Des Moines	June 30, 1976
<i>Funeral Director And Embalmer Examiners</i>		
Maurice J. Tierney	Dubuque	June 30, 1977
Dwight K. Wagler	Griswold	June 30, 1976
Gary L. Siefert	Storm Lake	June 30, 1978
Mrs. Donna P. Gabriel	Clinton (Pub. Member)	June 30, 1976
Robert E. McKone	Carroll " "	June 30, 1978
<i>Hearing Aid Dealers</i>		
Jack L. Jennings	Sioux City	June 30, 1978
Mrs. Phyllis Larson	Davenport	June 30, 1976
Charles Edmund C. Chamberlain, Jr.	Clear Lake	June 30, 1977
Mrs. Margaret "Peg" Baehr	Spencer	June 30, 1978
Clifford Welcher	Greenfield	June 30, 1977
<i>Medical Examiners</i>		
Cyrus L. Beye, M.D.	Sioux City	June 30, 1976
Rosalie B. Neligh, M.D.	Council Bluffs	June 30, 1977
Howard G. Ellis, M.D.	Des Moines	June 30, 1977
John M. Rhodes, M.D.	Pocahontas	June 30, 1977
Hal R. Hirleman, M.D.	Cedar Rapids	June 30, 1978
Kenneth R. Carrell, D.O.	Columbus Junction	June 30, 1976
Frederick V. Hetzler	Davenport	June 30, 1978
Sheila Sidles (Pub. reps)	Centerville	June 30, 1978
Vacancy		
<i>Optometry Examiners</i>		
H. Ray Wilson, O.D.	Forest City	June 30, 1975
C. E. Nichols, O.D.	Clarinda	June 30, 1976
K. O. McMaster, O.D.	Oelwein	June 30, 1975
<i>Pharmacy Examiners</i>		
Max W. Eggleston	Waverly	June 30, 1976
Dennis D. Killion	Red Oak	June 30, 1976
Angelo J. Palmer	Des Moines	June 30, 1977
Robert J. Osterhaus	Maquoketa	June 30, 1978
Susan C. Lutz	Altoona	June 30, 1978
Gen. Public Reps.		
Vennetta M. Fiedler	Spencer	June 30, 1977
William E. Ewing	Oskaloosa	June 30, 1978
<i>Physical Therapy Examiners</i>		
Nancy Thompson	Des Moines	June 30, 1975
Joyce Johnson	Decorah	June 30, 1975
Warren J. Rogers	Cedar Rapids	June 30, 1976
<i>Podiatry Examiners</i>		
Russell R. Schivley	Fort Madison	June 30, 1975
Dr. Paul A. Johns	Des Moines	June 30, 1976
Dr. R. N. Lepird	Estherville	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
HEALTH PLANNING ADVISORY COUNCIL, COMPREHENSIVE		
Stat. L. 89-749		
James A. Cox	Fort Dodge	June 30, 1977
Elmer H. Den Herder	Sioux Center	June 30, 1977
Donald French	Fairfield	June 30, 1976
Dr. Richard M. Kotz	Des Moines	June 30, 1977
Mrs. Georgia Hutchison	Oelwein	June 30, 1976
Rufus Moellers	Ridgeway	June 30, 1975
Mrs. Joyce Montag	Creston	June 30, 1975
Perry Ross	Mount Pleasant	June 30, 1975
Paul M. Seebohm, M.D.	Iowa City	June 30, 1977
Roger Stetson	Des Moines	June 30, 1976
Philip Stillman	Emmetsburg	June 30, 1975
Maurice Te Paske	Sioux Center	June 30, 1977
Norm Pawlewski	Des Moines	June 30, 1977
Mrs. Jo Ann Luddington	Pacific Junction	June 30, 1976
Donald C. Munson	Des Moines	June 30, 1975
Judy (McDonough) Haggard	Ames	June 30, 1976
Mrs. Marilyn Marsh	Hornick	June 30, 1976
H. A. Schimberg	Cedar Rapids	June 30, 1977
Mrs. Mary W. Greenleaf	Shenandoah	June 30, 1977
Mrs. L. H. Hopson (Leone K.)	Des Moines	June 30, 1975
Julius S. Conner, M.D.	Des Moines	June 30, 1977
Glen Haydon	Mason City	June 30, 1976
Mrs. Helen Henderson	Des Moines	June 30, 1977
John B. Herrick, D.V.M.	Ames	June 30, 1977
Dr. David E. McAreavy	Maquoketa	June 30, 1976
Gene R. Krekel	Burlington	June 30, 1976
Mrs. Janet K. Specht	Marshalltown	June 30, 1975
Donald Soll, M.D.	Denison	June 30, 1974
Dr. Tom Stonebrook	Eldora	June 30, 1976
Dr. Donald Trefz	Charles City	June 30, 1976
Dr. John Tyrrell	Manchester	June 30, 1976
Dave Neugent	West Des Moines	June 30, 1976
Charles Caldwell	Iowa City	June 30, 1976
Donald W. Dunn	Des Moines	June 30, 1976

HIGHER EDUCATION FACILITIES COMMISSION

Ch. 261

Robert D. Benton, Supt. of Public Instruction	Des Moines	
Ray Bailey, Executive Secretary	Clarion	June 30, 1976
Robert H. Kiser, Vice Chairman	Sioux City	June 30, 1977
Robert Williams	Des Moines	June 30, 1976
Keith S. Noah, Chairman	Charles City	June 30, 1977
Willis Ann Wolff, Acting Director		
Patricia Conway, Director Federal Programs		
Dr. Kenneth J. Weller, Ph.D.	Pella	June 30, 1979
Mrs. Joie Cole	Decorah	June 30, 1977
Milo Merritt	Osage	
Charles N. Poncy	Ottumwa	

HISTORICAL BOARD, STATE

§303.1

William O. Weaver	Wapello	June 30, 1978
Dr. Duane C. Anderson	Cherokee	June 30, 1977
Rev. Richard H. Thomas	Mount Vernon	June 30, 1976
George Mills	Des Moines	June 30, 1976
Mrs. Priscilla L. Wanatee	Tama	June 30, 1978
Mrs. Thelma E. Heflin	Harlan	June 30, 1977

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
HOSPITAL AND OTHER HEALTH FACILITIES ADVISORY COUNCIL		
§135A.5		
Ken Hobsen	Cherokee	June 30, 1975
Richard G. Schreiber	Ottumwa	June 30, 1972
Bernard M. Graheck	Cedar Rapids	June 30, 1973
Charles Ingersoll	Des Moines	June 30, 1974
Meily A. Scheldorf	Manning	June 30, 1973
Dr. Terry F. Dynes	Decorah	June 30, 1975
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
Myron N. Bos, D.O.	Albia	June 30, 1975
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
Harold Godberson	Ida Grove	June 30, 1975
Mrs. William Stillman	Emmetsburg	June 30, 1975
Mrs. Linda Garten	Des Moines	June 30, 1975
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

HOUSING STUDY TASK FORCE

(No Code)

Gregory D. Cusack	Davenport	
Rodney D. Phipps	Council Bluffs	
Elmer H. Vermeer	Sioux Center	
Loral Hullinger	Leon	
G. C. (Gene) Johnson	Davenport	
Gent M. Wittenberg	Dubuque	
Charles J. Drees	Des Moines	Pleasure of the Governor
Robert Josten	Des Moines	
Ms. Evelyne R. Villines	Des Moines	
John S. Murray	Ames	
Joe L. Strasser	Des Moines	
Bob Erickson	Des Moines	

INDUSTRIAL COMMISSIONER

Ch. 86

Robert C. Landess West Des Moines June 30, 1979

INSURANCE COMMISSIONER

Ch. 505

William H. Huff, III Des Moines June 30, 1979

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
INTERSTATE CO-OPERATION COMMISSION		
Ch. 28B		
Robert D. Ray, Governor		
Arthur A. Neu, President of Senate		
Dale Cochran, Speaker of the House		
Maurice Baringer, Treasurer of State	Des Moines	April 30, 1977
Mrs. Colleen P. Shearer, Commissioner	Des Moines	April 30, 1977
Employment Security Commission		
Clayton L. Ringgenberg	Iowa City	April 30, 1977
<i>House Members</i>		
Robert M. Kreamer	Des Moines	April 30, 1977
James T. Caffrey	Des Moines	April 30, 1977
William B. Griffiee	Nashua	April 30, 1977
Robert A. Krause	Fenton	April 30, 1977
Mattie Harper	West Grove	April 30, 1977
<i>Senate Members</i>		
James W. Griffin, Sr.	Council Bluffs	April 30, 1977
William D. Palmer	Des Moines	April 30, 1977
W. R. Rabedeaux	Wilton	April 30, 1977
Lowell L. Junkins	Montrose	April 30, 1977
Norman G. Rodgers	Adel	April 30, 1977

IOWA CENTENNIAL MEMORIAL COMMISSION

§504.32

State Officials

Robert D. Ray, Governor
 Maurice E. Baringer, Treasurer of State
 Richard C. Turner, Attorney General

Members

Carl Cacciatore	Des Moines	June 30, 1978
John M. Henry	West Branch	June 30, 1975
Mrs. Edwin Mitchell	Council Bluffs	June 30, 1977
Mrs. Velma Fry	Van Horne	June 30, 1976
Mrs. H. Rand Petersen		
Secretary	Harlan	

IOWA OFFICIAL REGISTER

Pam Peglow, Editor	Des Moines	Pleasure of the Printing Division
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IOWA - 2000, GOVERNOR'S CONFERENCE IN IOWA IN YEAR 2000

Dr. Willard L. Boyd, Chairman	Iowa City	
Mrs. Katharine Stoner	West Des Moines	
Mrs. Jean Lloyd-Jones	Iowa City	
Dr. Eddie V. Easley	Des Moines	
Robert Buck	Waukee	
Bruce Anderson	Cedar Rapids	
Ralph Schlenker	Des Moines	Pleasure of the Governor
Maurice TePaske	Sioux Center	
William F. Turner	Sioux City	
David A. Discher	Spencer	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM ADVISORY INVESTMENT BOARD		
§97B.8		
Dale K. DeKoster	Waterloo	June 30, 1979
Arthur E. Dahl	Muscatine	June 30, 1981
Keith Gunzenhauser	West Des Moines	June 30, 1977
Betty S. Maxheimer	Clarion	June 30, 1977
<i>House Member</i>		
Richard L. Byerly	Ankeny	June 30, 1976
<i>Senate Member</i>		
James W. Griffin, Sr.	Council Bluffs	June 30, 1977

JUDICIAL PROBATION OFFICERS TRAINING COMMITTEE

Pursuant Court Order July 1, 1974

Judge Don L. Tidrick	Des Moines	July 1, 1978
District Associate Judge Ross Caniglia	Council Bluffs	July 1, 1976
Richard C. Miller	Decorah	July 1, 1978
Gary L. Ventling	Des Moines	July 1, 1976
William Wilcken	Waterloo	July 1, 1979

JUDICIAL QUALIFICATIONS, COMMISSION ON

§605.26

Hon. C. H. Wild, District Court Judge, Second Judicial District		Jan. 1, 1978
Edward E. Eaton	Sidney	Jan. 1, 1980
Charles G. Rehling	Davenport	Jan. 1, 1976
Al Cornish, O.D.	Sigourney	Jan. 1, 1978
Richard C. Grossman	Marshalltown	Jan. 1, 1976
Richard L. Peick (Mrs.)	Cedar Rapids	Jan. 1, 1980
Mrs. Marshall R. Beard	Cedar Falls	Jan. 1, 1980
William J. O'Brien, Executive Secretary		

LABOR COMMISSIONER

Ch. 91

Jerry L. Addy	Des Moines	June 30, 1977
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LAND REHABILITATION ADVISORY BOARD

§83A.3

G. H. Hertel	Des Moines	June 30, 1977
William W. Fall	Knoxville	June 30, 1976
Frank W. Schaller	Ames	June 30, 1975
Burl R. Place	Humboldt	June 30, 1976
Thomas A. Bates	Bellevue	June 30, 1975
Hugh A. Templeton	Knoxville	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
LAW ENFORCEMENT ACADEMY COUNCIL		
Ch. 80B		
Frank O'Keefe, Vice Chairman	Sioux City	August 14, 1977
Warren J. Kruck, Chairman	Boone	August 14, 1975
Gerald D. Allen	Mason City	August 14, 1975
Dr. Kenneth J. Weller	Pella	August 14, 1978
Arthur R. Kitner	Independence	August 14, 1976
Ray Sullins	Des Moines	Pleasure of the Attorney General
Edward J. Krupinsky	Omaha	
Major Frank A. Metzger	Des Moines	August 14, 1978
John Phalacker	Des Moines	August 14, 1976
Dr. Kenneth J. Weller	Pella	August 15, 1978
Jerry J. Jensen	Waterloo	August 15, 1976
<i>Senate Members</i>		
Robert M. Carr	Dubuque	August 14, 1978
Richard R. Ramsey	Osceola	August 14, 1978
<i>House Members</i>		
Roger A. Halvorson	Monona	August 14, 1976
Russell L. Wyckoff	Vinton	August 14, 1976

LAW EXAMINERS

Ch. 610

Richard C. Turner, Attorney General, Chairman		
Francis L. Cudahy	Jefferson	June 30, 1974
Wilbur R. Dull	Ottumwa	June 30, 1975
Frank R. Miller	Decorah	June 30, 1975
S. David Peshkin	Des Moines	June 30, 1974

LEGISLATIVE COUNCIL

§2.49

Senate Members

Arthur A. Neu, President of the Senate, Ex Officio Member		
Minnette F. Doderer	Iowa City	
George R. Kinley	Des Moines	
William D. Palmer	Des Moines	
Steve Sovern	Marion	
Bass Van Gilst	Oskaloosa	
Clifton C. Lamborn	Maquoketa	
Lucas J. DeKoster	Hull	
Eugene M. Hill	Newton	
James E. Briles	Corning	
Willard R. Hansen	Cedar Falls	

House Members

Dale M. Cochran, Speaker of House	Eagle Grove	
Jerome Fitzgerald	Fort Dodge	
Floyd H. Millen	Farmington	
Keith H. Duntton	Thornburg	
Elmer H. Den Herder	Sioux Center	
William J. Hargrave	Iowa City	
Andrew Varley	Davenport	
Delwyn Stromer	Garner	
Donald V. Doyle	Sioux City	
James I. Middleswart	Indianola	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
LEGISLATIVE COUNCIL COMMITTEES		
§2.49		
LEGISLATIVE ADMINISTRATION COMMITTEE		
<i>Senate Members</i>		
George R. Kinley	Des Moines	These gentlemen will serve two-year terms ending upon conven- ing of following General Assembly
Clifton C. Lamborn	Maquoketa	
Eugene M. Hill	Newton	
<i>House Members</i>		
Dale M. Cochran, Chairman	Eagle Grove	These gentlemen will serve two-year terms ending upon conven- ing of following General Assembly
Andrew Varley	Stuart	
Donald V. Doyle	Sioux City	
LEGISLATIVE FISCAL COMMITTEE		
<i>Senate Members</i>		
Lucas J. DeKoster	Hull	These gentlemen will serve two-year terms ending upon conven- ing of following General Assembly
Bass Van Gilst	Oskaloosa	
William D. Palmer	Des Moines	
John N. Nystrom	Boone	
Earl M. Willits	Des Moines	
<i>House Members</i>		
Elmer H. Den Herder	Sioux City	These gentlemen will serve two-year terms ending upon conven- ing of following General Assembly
Keith H. Dunton	Thornburg	
Norman G. Jesse	Des Moines	
James I. Middleswart	Indianola	
Richard W. Welden	Iowa Falls	
LEGISLATIVE SERVICE COMMITTEE		
<i>Senate Members</i>		
James E. Briles	Corning	These gentlemen will serve two-year terms ending upon conven- ing of following General Assembly
Minnette F. Doderer,	Iowa City	
Chairman		
Steve Sovern	Marion	
<i>House Members</i>		
Delwyn Stromer	Garner	These gentlemen will serve two-year terms ending upon conven- ing of following General Assembly
Jerome Fitzgerald	Fort Dodge	
James I. Middleswart	Indianola	
LEGISLATIVE SERVICE BUREAU		
§2.58		
Serge H. Garrison, Director	Des Moines	Pleasure of the Legislative Council
Burnett E. Koebornick, Senior Research Analyst	Des Moines	
Philip E. Burks	Des Moines	
Thane R. Johnson, Senior Research Analyst	Des Moines	
Dorothy D. Benton, Executive Secretary		
Marguerite M. Ash, Financial Secretary		

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
LEWIS AND CLARK TRAIL COMMITTEE		
Executive Order		
Edward Ruisch, Chairman	Sioux City	
William E. Darrington	Persia	
Alden J. Erskine	Sioux City	
Sherry R. Fisher	Des Moines	
Eugene C. Gilson	Glenwood	
C. E. Hitchman	Blencoe	
Joseph A. Larkin	Council Bluffs	
James H. Pullman, Jr.	Sidney	
Emerson H. Schill	Sioux City	
Ed. H. Spetman, Jr.	Council Bluffs	
		Pleasure of the Governor

LIBRARY COMMISSION, STATE

§303A.3

Dr. Ralph W. Dorner	Des Moines	June 30, 1975
Thomas Muller	Coralville	June 30, 1976
Mrs. Marie Wallinga	Sioux Center	June 30, 1978
Richard O. Shirk	Oelwein	June 30, 1977
Mrs. Frances T. Desmond, Law Librarian	Des Moines	
Vacancy, Medical Librarian		
William O'Brien, Supreme Court Administrator		
Barry L. Porter, Administrator		

LIBRARY SERVICES, ADVISORY COUNCIL ON

P.L. 91-600

Travis Cleveland	Independence	June 30, 1975
J. Robert Foley	Cedar Rapids	June 30, 1975
Warren B. Kuhn	Ames	June 30, 1975
Mrs. Don R. Hankens	Cherokee	June 30, 1975
Mrs. William Overbey	Shenandoah	June 30, 1975
Mrs. Connie Smith	Des Moines	June 30, 1975
Paul Spurlock	Indianola	June 30, 1975
Mrs. Joan LePard	Des Moines	June 30, 1975
Michael Phipps	Waterloo	June 30, 1975

MANPOWER PLANNING COUNCIL

Stat. L.

Robert Tyson, Chairman	Des Moines	Dec. 31, 1975
Russell V. Kelso	Des Moines	Dec. 31, 1975
Maurice TePaske	Sioux Center	Dec. 31, 1974
Allen J. Meier	Cedar Rapids	Dec. 31, 1975
Maximo Escobedo	Mason City	Dec. 31, 1974
Myril Harrison	Des Moines	Dec. 31, 1974
Kenneth Hays	Des Moines	Dec. 31, 1975
David Mills	Des Moines	Dec. 31, 1974
Robert H. Lounsberry	Des Moines	Dec. 31, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
MANPOWER SERVICES COUNCIL		
P.L. 92-203, §107		
Robert A. Brown	Cedar Rapids	Dec. 31, 1975
Mary Lou Kelly	Waterloo	Dec. 31, 1974
Harold R. Yeoman	Monticello	Dec. 31, 1975
William G. McCarthy	Davenport	Dec. 31, 1974
Carl A. Neubauer	Waterloo	Dec. 31, 1975
Ralph W. Wilcox	Sioux City	Dec. 31, 1974
Lambert Burkhalter	Des Moines	Dec. 31, 1975
Norman Pawlewski	Des Moines	Dec. 31, 1975
Larry E. Crane, P.E.	Des Moines	Dec. 31, 1974
Jerry L. Starkweather	Des Moines	Dec. 31, 1975
Dr. Robert D. Benton	Des Moines	Dec. 31, 1975
Alice McKee	Des Moines	Dec. 31, 1974
Colleen P. Shearer	Carlisle	Dec. 31, 1974
William L. Smith	Des Moines	Dec. 31, 1974
Mrs. Patricia A. Steiger	Davenport	Dec. 31, 1975
Robert F. Tyson	Des Moines	Dec. 31, 1975
Richard Brannan	Des Moines	Dec. 31, 1975

MEDICAL ASSISTANCE ADVISORY COUNCIL

§249A.4(8)

Senate Members

C. Joseph Coleman	Clare	June 30, 1977
Philip B. Hill	Des Moines	June 30, 1977

House Members

Reid W. Crawford	Ames	June 30, 1977
James D. Jordan	Marion	June 30, 1977

EMERGENCY MEDICAL SERVICE ADVISORY COUNCIL

Glen Anderson, Jr.	Des Moines	
William R. Bliss, M.D.	Ames	
Lt. Robert Glenn	Des Moines	
Michael Abrams, M.D.	Des Moines	
Rick Gamel	Iowa City	
William Good	Boone	Pleasure of
John Rich	Fredericksburg	the Governor
Keith Royer	Ames	
David B. Fish	Des Moines	
Donald E. Williams	Des Moines	
Ronald D. Eckoff, M.D.	Des Moines	
(Miss) Nancy Fryett	West Des Moines	
Charles R. Linden	Boone	
Mrs. Mary A. Statler	Keota	
Charles E. Hartford, M.D.	Iowa City	

**ADVISORY COUNCIL FOR THE CONSTRUCTION OF
MENTAL HEALTH FACILITIES**

§135.44

Nicholas Grunzweig, Acting Director Bureau of Mental Health		
Mrs. Max W. Lyon	Clinton	June 30, 1975
Drexel Lange	Des Moines	June 30, 1975
Joseph L. Tate	Des Moines	June 30, 1975
Herbert L. Nelson, M.D.	Iowa City	June 30, 1975
Vera French, M.D.	Davenport	June 30, 1975
Floyd Dunn, D.O.	Knoxville	June 30, 1975
James Campbell	Decorah	June 30, 1975
Mrs. Jean McMurray	Webster City	June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
MENTAL HYGIENE COMMITTEE		
Ch. 225B		
Dr. Roy E. Warman, Chairman.....	Ames.....	July 3, 1976
Mrs. Louise Goldman.....	Davenport.....	July 3, 1977
Elizabeth McTigue.....	Fort Dodge.....	July 3, 1977
Philip R. Hastings, M.D.....	Waterloo.....	July 3, 1977
Eloise Lee.....	Atlantic.....	July 3, 1976
Dr. Hormoz Rassekh, M.D.....	Council Bluffs.....	July 3, 1976
Dr. Myron N. Bos.....	Albia.....	July 3, 1978
Rev. Harold E. Butz.....	Des Moines.....	July 3, 1978

MERIT EMPLOYMENT COMMISSION

Ch. 19A

Clifford M. White.....	Pella.....	June 30, 1979
W. A. Krause.....	Hampton.....	June 30, 1979
James B. Morris, Jr.....	Des Moines.....	June 30, 1975
Julian Torgerson.....	Sioux City.....	June 30, 1975
Mrs. Thelma Heitsman.....	Corning.....	June 30, 1977
W. L. Keating, Director		

MIDWEST NUCLEAR BOARD

Ch. 8B

Gerold R. Day, Chairman.....	Springfield.....
William E. Twaler, Vice Chairman.....	Iowa City.....

MINES AND MINERALS DEPARTMENT

Ch. 82

Marvin Ross, Inspector.....	Slater.....
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MISSISSIPPI PARKWAY PLANNING COMMISSION

Ch. 308

Harry G. McKee.....	Muscatine.....	June 30, 1977
Ivan E. Dull.....	Dubuque.....	June 30, 1977
A. Fred Berger, Sr.....	Davenport.....	June 30, 1977
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
Victor Rathje.....	Postville.....	June 30, 1977

NATURAL RESOURCES COUNCIL

Ch. 455A

Leslie C. Klink.....	Elkader.....	June 30, 1977
Dr. Merwin D. Dougal.....	Ames.....	June 30, 1977
Perry L. Christensen.....	Kent.....	June 30, 1979
Dr. M.A. Dalchow.....	Maquoketa.....	June 30, 1979
Leigh R. Curran.....	Mason City.....	June 30, 1979
Othie R. McMurry, Director		

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
NURSING BOARD		
Ch. 147		
Miss Virginia R. Lawrence, R.N., Chairman.....	Mason City	June 30, 1977
Miss Nellie Osterlund.....	Des Moines	June 30, 1978
Sister Mary Suzanne Wickenkamp.....	Ottumwa	June 30, 1975
Mildred I. Freel, Vice Chairman	Iowa City.....	June 30, 1976
Mrs. Barbara Steen, R.N.	Waterloo	June 30, 1975
Mrs. Lynne M. Illes, Executive Director		

NURSING HOME ADMINISTRATORS EXAMINERS BOARD

Ch. 147

James Gannon, M.D.....	Laurens	June 30, 1975
Ezra William Shenk.....	Wellman	June 30, 1975
Mrs. Eloise I. Shaffer.....	Centerville	June 30, 1976
Robert V. Campbell.....	Oskaloosa	June 30, 1976
Daniel L. Kelley	Maquoketa	June 30, 1975
Rev. Arlin H. Adams.....	Waukon	June 30, 1975
J. D. Shepherd.....	Newton	June 30, 1975
Nadine Lindsay.....	Lake City	June 30, 1975
Felicia Hope.....	Iowa City	June 30, 1976

NURSING IN IOWA, COMMISSION TO STUDY

Jane Alexander.....	Des Moines	
Patricia Klopfenstein.....	Marion	
Phyllis J. Peters, R.N.	Sioux City	
Elizabeth Kerr.....	Iowa City	
La Nelle Bentz.....	Winterset	
Mildred Freel, R.N.	Iowa City	
Geraldine Mahnke, R.N.	Waterloo	
Suzanne Mains, R.N.	Des Moines	Pleasure of
Mrs. Gwendolyn Hickey, L.P.N.	Waterloo	the Governor
John McDonough.....	Corning	
Sister James Marie Donahue.....	Cedar Rapids	
Mrs. Kathleen Sauer.....	Mechanicsville	
Herman J. Smith, M.D.	Des Moines	
Abe D. Clayman.....	West Des Moines	

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

§88.10

I. John Rossi, Chairman	West Des Moines	June 30, 1976
Allen J. Meier.....	Cedar Rapids.....	June 30, 1980
Mrs. Alice VanWert.....	Hampton	June 30, 1978
G. Lawrence Ragan, Executive Secretary		

OUTDOOR RESOURCES CONSERVATION,
GOVERNOR'S COMMITTEE

Mrs. Dorothy Baringer.....	West Des Moines
Kenneth Benda.....	Hartwick
Henry Bradshaw.....	West Des Moines
Alvin F. Bull.....	Des Moines
Dr. Bernard Clausen.....	Cedar Falls
Mrs. Helen Crabb.....	Jamaica
Robert W. Dillon.....	Des Moines
Robert Engelman.....	Des Moines
Alden J. Erskine.....	Sioux City
Mr. Sherry Fisher.....	Des Moines
Fred Gosh.....	Humboldt
Prof. Arnold O. Haugen.....	Ames

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
OUTDOOR RESOURCES CONSERVATION, GOVERNOR'S COMMITTEE—Continued		
William E. Horine	Nevada	
Earl Jarvis	Wilton Junction	
Dr. George Knudson	Decorah	
Mr. Ervin J. J. Koos	Shelby	
Gene Kragenbrink	Des Moines	
Mrs. Ruby Kruse	Marshalltown	
Lawrence Ladin	Des Moines	
Dr. Roger Landers	Ames	
Frank Mendell	Des Moines	
Mrs. H. J. Minglin	Auburn	
Dr. Robert Morris	Iowa City	
Clifford M. Naser	Fort Dodge	
Addison Parker, Jr.	Des Moines	
Wendell Pellet	Atlantic	
H. Wayne Pritchard	Des Moines	
Robert Russell	Iowa City	
Larry Stone	Des Moines	
Dale Tieden	Elkader	
George A. Wilson, Jr.	Des Moines	
George Woods	Cresco	

PAROLE BOARD

Ch. 247

Jack Bedell	Spirit Lake	June 30, 1981
Silas S. Ewing	Des Moines	June 30, 1977

PHYSICAL FITNESS AND SPORTS, GOVERNOR'S COUNCIL

Bill Sorenson, Chairman	Jefferson	
Dr. Robert W. Anderson	Des Moines	
Dr. Enfred E. Linder	Ogden	
Dr. Donald V. Cox	Des Moines	
Dr. James E. Kelsey	Des Moines	
Dr. Betty A. Hoff	Decorah	
Dr. Donald Cassidy	Iowa City	
Gary Thompson	Ames	
Bernie Saggau	Boone	
E. Wayne Cooley	Des Moines	
Chalmers Elliott	Iowa City	Pleasure of the Governor
Monsignor J. E. Tolan	Humboldt	
Dr. Paul C. Vance	Des Moines	
Frank Morlan	Brooklyn	
Dr. Al Lewis	Storm Lake	
Rod Farmer	Des Moines	
Ralph H. Rieks	Iowa City	
Ceil Herbold (Miss)	Mingo	
Gwendolyn Wiegmann (Miss)	Anamosa	
Mrs. Jane Ross	Glenwood	
Dolph Pulliam	Des Moines	

POLICE COMMUNICATIONS REVIEW COMMITTEE

§750.8

Senate Members

James V. Gallagher	Jesup	Jan. 9, 1977
William P. Winkelman	Lohrville	Jan. 9, 1977
Fred W. Nolting	Waterloo	Jan. 9, 1977

House Members

Donald V. Doyle	Sioux City	Jan. 9, 1977
Glen E. Bortell	R.R. 1, St. Charles	Jan. 9, 1977
James D. Wells	Cedar Rapids	Jan. 9, 1977

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
PRESERVES ADVISORY BOARD		
Ch. 111B		
Marshall McKusick	Iowa City	June 30, 1971
Dr. John D. Dodd, Chairman	Ames	June 30, 1972
Sylvan T. Runkel	Des Moines	June 30, 1972
Dr. Edward Cawley	Dubuque	June 30, 1973
Dr. George Knudson	Decorah	June 30, 1973
Fred A. Priewert	Des Moines	

PRINTING DIVISION OF GENERAL SERVICES

\$18.74

Vernon Lundquist, Superintendent
Dennis Groe, Assistant Superintendent

PROFESSIONAL TEACHING PRACTICES COMMISSION

Sec. 272A.3

David L. Moorhead	Ames	June 30, 1977
Darold D. Faulkner	Sumner	June 30, 1977
Don Gunderson	Red Oak	June 30, 1976
Dr. Duane Anderson	Iowa City	June 30, 1976
Mrs. Billiejean Morrow	Des Moines	June 30, 1976
Duane L. Vande Berg	Sioux City	June 30, 1975
Ruth I. Foster	Des Moines	June 30, 1975
Donna J. Coffman	Chariton	June 30, 1975
Dr. Robert Benton	Des Moines	June 20, 1975
Don Bennett, Director	Des Moines	

PSYCHOLOGY EXAMINERS, BOARD OF

\$147.14(7)

Vinton Rowley, Ph.D.	Iowa City	June 30, 1978
Irene Wiemers, Ph.D.	Cherokee	June 30, 1978
John W. Menne, Ph.D.	Cambridge	June 30, 1977
Herbert L. Notch	Newton	June 30, 1978
Mrs. Joan Jacob	Cedar Rapids	June 30, 1976
Mrs. Elsie Grant	Des Moines	June 30, 1977
Mrs. Joan McKean	Cedar Falls	June 30, 1978

PUBLIC EMPLOYMENT RELATIONS BOARD

\$20.5

Edward F. Kolker, Chairman	Waterloo	June 30, 1978
John R. Loihl	Park Forest, Ill.	June 30, 1976
Vernon C. Cook	Clinton	June 30, 1976

PUBLIC INSTRUCTION, BOARD OF

Ch. 257

Mrs. Georgia A. Sievers	Avoca	Jan. 2, 1978
Robert J. Beecher	Creston	Jan. 2, 1978
Ron Hallock	West Des Moines	Jan. 2, 1978
Miss Virginia Harper	Ft. Madison	Jan. 2, 1980
Jolly Ann Davidson	Clarinda	Jan. 2, 1980
Muriel I. Shepard	Allison	Jan. 2, 1976
John E. van der Linden	Sibley	Jan. 2, 1976
T. J. Heronimus	Grundy Center	Jan. 2, 1976
Robert G. Koons	Clinton	Jan. 2, 1980

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
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PUBLIC INSTRUCTION SUPERINTENDENT

Ch. 257

Robert D. Benton, Superintendent, Des Moines
 Dr. Richard N. Smith, Deputy State School Superintendent
 David Bechtel, Administrative Assistant to the Superintendent

PUBLIC SAFETY COMMISSIONER

Ch. 80

Charles Larson	Newton	Pleasure of Governor
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REAL ESTATE COMMISSION

Ch. 117

Cecil Galvin, Director

REGENTS, BOARD OF

Ch. 262

Mrs. Margaret Collison	Oskaloosa	June 30, 1977
Ray V. Bailey	Clarion	June 30, 1981
Donald H. Shaw	Davenport	June 30, 1981
Mary Louise Petersen	Harlan	June 30, 1981
John Baldrige	Chariton	June 30, 1977
Steve Zumbaugh	Ames	June 30, 1977
Stanley Barber	Wellman	June 30, 1979
Harry Slife	Waterloo	June 30, 1979
S. J. Brownlee	Emmetsburg	June 30, 1979

R. Wayne Richey, Executive Secretary
 Robert J. Barak, Director of Research and Information

RENAL DISEASE ADVISORY COMMITTEE

§135.46

Catherine J. Condon, M.D.	Des Moines	June 30, 1979
Lou Crist	Iowa City	June 30, 1977
John Davis	Des Moines	June 30, 1976
Kennedy C. Fawcett, M.D.	Ames	June 30, 1976
Mrs. Margery Fearing, R.N.	Iowa City	June 30, 1979
Richard M. Freeman, M.D.	Iowa City	June 30, 1978
Elmer Smith	Des Moines	June 30, 1978
Thomas B. Reed	Dubuque	June 30, 1979
U. H. Bunkers	Sioux City	June 30, 1977
John Van Vliet	Pella	June 30, 1978
Mrs. Russel Pounds	Ames	June 30, 1977

REVENUE, DIRECTOR OF

§421.2

Gerald D. Bair	Norwalk	Pleasure of Governor
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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

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
SCHOOL BUDGET REVIEW COMMITTEE		
§442.12		
Edgar S. Gage	Mason City	June 30, 1977
Keith L. Vetter	Washington	June 30, 1975
Mrs. Enid Davis	Keokuk	June 30, 1976

Ex Officio Members

Marvin R. Selden, Jr., State Comptroller
 Dr. Robert D. Benton, State Superintendent of Public Instruction

**SHORTHAND REPORTERS
 BOARD OF EXAMINERS**

§115.1

A. A. Herrick	Des Moines	June 30, 1976
Shirley Lischer	Creston	June 30, 1978
Harriet E. Nielsen	Ida Grove	June 30, 1977
Floyd L. Pinder	Des Moines	June 30, 1978
Darold F. Westphal	Iowa City	June 30, 1976

SOCIAL SERVICES COUNCIL

Ch. 217

Kevin Burns, Commissioner	Des Moines	Pleasure of Governor
Fernice W. Robbins	Waterloo	June 30, 1977
Mrs. Meredith U. Deevers, Vice- Chairman	Bettendorf	June 30, 1979
Miss Lois Emanuel	Marion	June 30, 1979
Dolph Pulliam, Chairman	West Des Moines	June 30, 1981
G. Thomas Reilly	Council Bluffs	June 30, 1977

SOIL CONSERVATION COMMITTEE

Ch. 467A

Robert Welp	Fort Dodge	June 30, 1979
Donald L. Johnson	Fairfield	June 30, 1977
J. Thomas Kenny	Akron	June 30, 1977
George K. Annan	Clarinda	June 30, 1979
Sherry R. Fisher	Des Moines	June 30, 1975
Walter Hagen	Waterville	June 30, 1979
Carroll J. Hobson	Eldora	June 30, 1975
Gerald Norland	Cylinder	June 30, 1975

Ex Officio Members:

Charles E. Donhowe
 Robert H. Lounsberry, Secretary of Agriculture
 Othie McMurry, Director, Iowa Natural Resources Council
 Fred A. Priewert, Director, Iowa Conservation Commission
 Executive Director, Department of Environmental Quality

Advisers:

Wilson T. Moon, State Conservationist, U.S. Soil Conservation Service
 Carl Schnoor, Iowa County Engineers Association

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
SPANISH-SPEAKING TASK FORCE		
S.F. 504, 66GA, 1975 Session		
Father Vitolds Valainis	Muscatine	June 30, 1975
Jose Guzman	Mason City	June 30, 1975
Richard Alex Pabon, Chairman	Des Moines	June 30, 1975
Mrs. Ila R. Plasencia	West Des Moines	June 30, 1975
Fidel Alvarez	Fort Madison	June 30, 1975
Juan J. Cadena	Muscatine	June 30, 1975
Herbert Becerra	Council Bluffs	June 30, 1975
Ernest Rodriguez	Davenport	June 30, 1975

STATE RECORDS COMMISSION

Ch. 304

Melvin D. Synhorst, Chairman	Des Moines
Maurice Baringer	Des Moines
Jack Musgrove	Des Moines
Eldon Sperry	Des Moines
William O'Brien	Des Moines
Stanley L. McCausland	Des Moines
Senator Warren E. Curtis	Cherokee
Christine Baedke, Records Management Administrator	

STATUS OF WOMEN, COMMISSION ON

Ch. 601

Joseph Bertroche	Indianola	June 30, 1976
Edith Sackett	Spencer	June 30, 1976
Jacqueline Day	Des Moines	June 30, 1976
Jane Ann Robbins	Ames	June 30, 1978
Roxanne Conlin	West Des Moines	June 30, 1978
Kathleen Neylan	Elkader	June 30, 1976
Frances Van Winkle	Des Moines	June 30, 1978
Sister Madeleine Marie Schmidt	Ottumwa	June 30, 1978
Joan Poe	Cedar Falls	June 30, 1978
Anita M. Northup	Lenox	June 30, 1978
Arlene Dayhoff	Cedar Rapids	June 30, 1976
Phyllis Howlett	Des Moines	June 30, 1978
Betty Durden	Des Moines	June 30, 1976
Sandy Williams	Davenport	June 30, 1978
Roberta H. Davison	Cedar Rapids	June 30, 1976
Kristelle L. Vorhaus	Des Moines	June 30, 1978
Frances Calhoon	Ottumwa	June 30, 1978
Tamra Hoover	Coralville	June 30, 1978
Clay Morain	Jefferson	June 30, 1976
Christine Wilson	Des Moines	June 30, 1976
Patricia Geadelmann	Cedar Falls	June 30, 1976
Mary Jean Montgomery	Spencer	June 30, 1976

SUPREME COURT ADMINISTRATOR

Ch. 685

William O'Brien, Court Administrator	Des Moines	Pleasure of the Supreme Court
Clarence A. Kading, Judicial Statistician	Knoxville	

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
SUPREME COURT ADVISORY COMMITTEE ON RULES		
Dwight W. James	Des Moines	July 1, 1976
Judge Thomas S. Bown	Corydon	July 1, 1976
William C. Fuerste	Dubuque	July 1, 1976
J. Michael Dull	LeMars	July 1, 1976
John Greer	Spencer	July 1, 1977
Robert Waterman	Bettendorf	July 1, 1977
David M. Elderkin	Cedar Rapids	July 1, 1977
Eugene Davis	Des Moines	July 1, 1977
Francis Becker	Des Moines	July 1, 1978

SUPREME COURT ADVISORY COUNCIL*Legislative Members:*

Sen. Warren E. Curtis	Cherokee	Jan. 1, 1977
Rep. Lester D. Menke	Calumet	Jan. 1, 1977
Rep. Scott D. Newhard	Anamosa	Jan. 1, 1977
Sen. Norman Rodgers	Adel	Jan. 1, 1977

Law School Representatives

Randall P. Bezanson	Univ. of Iowa	Jan. 1, 1977
Janet Johnson	Drake Univ.	Jan. 1, 1977

Lawyer Members

Kent M. Forney	Des Moines	Jan. 1, 1979
Ralph F. McCartney	Charles City	Jan. 1, 1978
Peter J. Peters	Council Bluffs	Jan. 1, 1977

Nonlawyer Members

Mary Bryant	Iowa City	Jan. 1, 1976
Ken Cooper	Fort Dodge	Jan. 1, 1979
Gloria B. Fish	Sioux City	Jan. 1, 1978
Joan McKean	Cedar Falls	Jan. 1, 1977
Margaretjean Weltha	Ames	Jan. 1, 1976

TAX REVIEW BOARD

§421.1

Keith A. McKinley	Osage	June 30, 1979
Louis I. Nussbaum	Des Moines	June 30, 1977

TRANSPORTATION COMMISSION

S.F. 1141

Allan T. Thoms	Dubuque	June 30, 1979
William F. McGrath	Melrose	June 30, 1976
Ann Pellegrino	Story City	June 30, 1976
Stephen Garst	Coon Rapids	June 30, 1977
L. Stanley Schoelerman	Spencer	June 30, 1978
Robert R. Rigler	New Hampton	June 30, 1978
Donald K. Gardner	Cedar Rapids	June 30, 1977

Victor Preisser, Director

A. E. Schroeder, Division Director, General Counsel

R. D. Johnson, Acting Division Director, Administration

R. L. Kassel, Acting Division Director, Planning and Research

Aeronautics

M. E. Palmer, Division Director

Highways

H. E. Gunnerson, Division Director

Motor Vehicles

J. M. McCoy, Acting Division Director

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
TRANSPORTATION COMMISSION—Continued		
<i>Public Transit</i>		
Terry Fritz, Division Director		
<i>Railroad Transportation</i>		
P. Heitmann, Acting Division Director		
<i>River Transportation</i>		
J. Lightsey, Division Director		

TRICENTENNIAL COMMISSION, IOWA JOLIET-FATHER MARQUETTE

Stat. L. 89-187

John A. Dailey	Burlington	
Larry Ladin	Des Moines	
Russell R. Newell	Columbus Junction	Pleasure of
John McCormally	Burlington	the Governor
Richard Hoerner, Jr.	Keokuk	
John Winegard	Burlington	
Dr. G. M. Couchman	Dubuque	
Roy J. Carver	Muscatine	
Gary Engebretson	Decorah	
Dr. William Petersen	Iowa City	

VENEREAL DISEASE, GOVERNOR'S TASK FORCE AGAINST

Elaine Olson	Minden
Leland P. Stocker	Dubuque
Elizabeth E. Kerr	Iowa City
Gill T. Hartlieb	Marshalltown
Dr. Fredrick V. Hetzler	Davenport
Kenneth Hobson	Des Moines
Kenneth P. Wells	Des Moines
Dr. Elton Green	Cedar Falls
Mrs. Ethel Hamdorf	Clinton
Rubin Flocks, M.D.	West Des Moines
Harry B. Elmets, D.O.	Des Moines
Thelma Johnson	Charles City
Dr. Franklin P. Koontz	Iowa City
Mrs. James D. Miller	Clinton
Dr. Harry Coulter	Des Moines
Dr. Robert Carson	Council Bluffs
Jane Carson	Cedar Rapids
Robert Bone	Manchester
John E. Blumgren, M.D.	Cedar Falls
Kenneth Barrows	Des Moines
Alvin Barcheski	Des Moines
Rev. Maurice J. Dingman	Des Moines
Mrs. Enid Wortman	Council Bluffs
Darold R. Sea	Des Moines
Bill Smith	Des Moines
Phillip C. Smith	Des Moines
Harry I. Prugh	Des Moines

VETERINARY MEDICAL EXAMINERS

§169.15

E. A. Butler, D.V.M., Secretary - Chief, Division of Animal Industry	
James R. Rosdail, D.V.M.	Pomeroy June 30, 1975
August W. Krause, D.V.M.	Cherokee June 30, 1976
Samuel D. Linn, D.V.M.	Humboldt June 30, 1975

STATE OFFICERS—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name and Office	City from which originally chosen	Term Ending
VOCATIONAL EDUCATION ADVISORY COUNCIL		
§258.7		
Henry E. Merkel	Des Moines	June 30, 1977
Elmer Sovern, Jr.	Albia	June 30, 1978
Gordon Bennett, Vice Chairman	Des Moines	June 30, 1978
Fay Winters	Des Moines	June 30, 1978
Frances Melvold	Maquoketa	June 30, 1978
James E. Bowman	Des Moines	June 30, 1976
Dr. Robert Kiser	Sioux City	June 30, 1976
Joseph R. White, Chairman	Iowa Falls	June 30, 1977
Dr. Garlyn H. Wessel, Ph.D.	Dubuque	June 30, 1976
Mrs. Joann Tredway	Harlan	June 30, 1976
Richard I. Powell	Des Moines	June 30, 1976
Mrs. Phyllis Moershel	Cedar Rapids	June 30, 1977
Robert I. Hale	Burlington	June 30, 1977
Walter Cunningham	Waterloo	
Kenneth R. Lewis	Des Moines	
Harlan Giese, Executive Secretary		

VOTING MACHINE COMMISSIONERS

§52.4

Roy E. Voelker	Oskaloosa	Feb. 3, 1979
Mrs. Dorothy J. Elliott	Nevada	Feb. 3, 1979
Ralph DeCook	Knoxville	Feb. 3, 1979

WATCHMAKING BOARD OF EXAMINERS

§120.3(1)

Irvin H. Palm	Red Oak	June 30, 1975
Delmar D. Conklin	Perry	June 30, 1975
Paul L. Wirth	Vinton	June 30, 1976
James R. VanDenover	Oelwein	June 30, 1975
Clarence A. Gordy	Oskaloosa	June 30, 1975
Robert Morrissey, Executive Secretary		

JUDICIAL DEPARTMENT

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

JUDICIAL DEPARTMENT
(July 1, 1975)

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	Office Address	Term Ending
C. Edwin Moore, Chief Justice	Des Moines	June 30, 1981
M. L. Mason	Mason City	Dec. 31, 1982
Maurice E. Rawlings	Sioux City	Dec. 31, 1982
Clay LeGrand	Davenport	Dec. 31, 1976
Warren J. Rees	Anamosa	Dec. 31, 1978
Harvey Uhlenhopp	Hampton	Dec. 31, 1980
W. Ward Reynoldson	Osceola	Dec. 31, 1980
K. David Harris	Jefferson	Dec. 31, 1982
Mark McCormick	Des Moines	Dec. 31, 1982

JUDGES OF THE DISTRICT COURT

(Judges listed according to seniority)

Name	Office Address	Term Ending
<i>Election District 1A</i>		
Thomas H. Nelson	Dubuque	Dec. 31, 1978
Joseph C. Keefe	Decorah	Dec. 31, 1978
Karl Kenline	Dubuque	Dec. 31, 1980
L. John Degnan	Guttenberg	Dec. 31, 1976
<i>Election District 1B</i>		
Blair C. Wood	Waterloo	June 30, 1977
Peter Van Metre	Waterloo	June 30, 1977
Carroll E. Engelkes, C.J.	Waterloo	June 30, 1977
Roger F. Peterson	Waterloo	Dec. 31, 1980
Charles W. Antes	West Union	Dec. 31, 1980
Dennis D. Damsgaard	Waterloo	Dec. 31, 1980
Frank D. Elwood	Cresco	Dec. 31, 1980
<i>Election District 2A</i>		
C. H. Wild, C.J.	Waverly	June 30, 1977
L. E. Plummer	Northwood	June 30, 1977
John F. Stone	Mason City	Dec. 31, 1978
B. C. Sullivan	Rockford	Dec. 31, 1978
Jack W. Frye	Charles City	Dec. 31, 1980
<i>Election District 2B</i>		
E. J. Kelley	Ames	June 30, 1977
Paul E. Hellwege	Boone	Dec. 31, 1978
Edward J. Flattery	Fort Dodge	Dec. 31, 1978
Arthur F. Draheim, Jr.	Clarion	Dec. 31, 1978
James C. Smith	Carroll	Dec. 31, 1980
George G. Fagg	Marshalltown	Dec. 31, 1980
Russell J. Hill	Webster City	Dec. 31, 1980
Robert K. Richardson	Jefferson	Dec. 31, 1980
Albert L. Habhab	Fort Dodge	Dec. 31, 1976
<i>Election District 3A</i>		
Joseph P. Hand	Emmetsburg	June 30, 1977
Richard W. Cooper	Storm Lake	June 30, 1977
Edward F. Kennedy	Sibley	Dec. 31, 1976
Murray S. Underwood	Spencer	Dec. 31, 1980
<i>Election District 3B</i>		
Lawrence W. McCormick	Sioux City	June 30, 1977
R. K. Brannon	Denison	June 30, 1977
James P. Kelley, C.J.	LeMars	Dec. 31, 1976
Donald M. Pendleton	Sioux City	Dec. 31, 1978
C. F. Stilwill	Sioux City	Dec. 31, 1980
George F. Davis	Sioux City	Dec. 31, 1976

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

JUDGES OF THE DISTRICT COURT—Continued

Name	Office Address	Term Ending
<i>Election District 4</i>		
Bennett Cullison, C.J.	Harlan	June 30, 1977
Leroy H. Johnson	Red Oak	June 30, 1977
Harold L. Martin	Hamburg	Dec. 31, 1980
Paul H. Sulhoff, C.J.	Council Bluffs	Dec. 31, 1976
Ernest F. Hanson	Audubon	Dec. 31, 1976
<i>Election District 5A</i>		
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
Maurice C. Herrick	Indianola	Dec. 31, 1978
John N. Hughes, Jr.	Des Moines	Dec. 31, 1978
Harry Perkins, Jr.	Des Moines	Dec. 31, 1978
Waldo F. Wheeler	Des Moines	Dec. 31, 1978
Dale S. Missildine	Des Moines	Dec. 31, 1978
Robert O. Frederick	Winterset	Dec. 31, 1980
James P. Denato	Des Moines	Dec. 31, 1980
A. B. Crouch	Des Moines	Dec. 31, 1976
Leo Oxberger	Des Moines	Dec. 31, 1976
Van Wifvat	Perry	Dec. 31, 1978
Anthony M. Critelli	Des Moines	Dec. 31, 1980
Maynard Hayden	Indianola	Dec. 31, 1980
Robert G. Allbee	Des Moines	Dec. 31, 1976
<i>Election District 5B</i>		
A. V. Hass	Chariton	Dec. 31, 1978
Thomas S. Brown	Corydon	Dec. 31, 1978
James E. Hughes	Lenox	Dec. 31, 1978
<i>Election District 6</i>		
William R. Eads	Cedar Rapids	Dec. 31, 1976
Harold D. Vietor, C.J.	Cedar Rapids	Dec. 31, 1978
Ansel J. Chapman	Iowa City	Dec. 31, 1976
Robert Osmundson	Iowa City	Dec. 31, 1978
Clinton E. Shaeffer	Cedar Rapids	Dec. 31, 1978
John L. Hyland	Toledo	Dec. 31, 1978
Louis W. Schultz	Marengo	Dec. 31, 1980
James H. Carter	Cedar Rapids	Dec. 31, 1980
A. Frederick Honsell, Jr.	Cedar Rapids	Dec. 31, 1980
<i>Election District 7</i>		
Nathan Grant, C.J.	Davenport	June 30, 1977
Lowell D. Phelps	Davenport	Dec. 31, 1976
Robert K. Stohr	Muscatine	Dec. 31, 1978
James R. Havercamp	Davenport	Dec. 31, 1980
Allan Keck	Maquoketa	Dec. 31, 1978
Max R. Werling	Tipton	Dec. 31, 1980
Charles H. Pelton	Clinton	Dec. 31, 1976
Lawrence D. Carstensen	Clinton	Dec. 31, 1976
<i>Election District 8A</i>		
L. R. Carson	Oskaloosa	June 30, 1977
Charles N. Pettit, C.J.	Bloomfield	June 30, 1977
Arthur A. McGiverin	Ottumwa	Dec. 31, 1978
Ira Morrison	Washington	Dec. 31, 1978
Michael Enich	Grinnell	Dec. 31, 1980
<i>Election District 8B</i>		
J. R. Leary	Fort Madison	June 30, 1977
William S. Cahill	Burlington	Dec. 31, 1980
Harlan W. Bainter	Mount Pleasant	Dec. 31, 1978
David B. Hendrickson	Keokuk	Dec. 31, 1980

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

DISTRICT ASSOCIATE JUDGES

Name	City	Term Expires
Gary J. Snyder	Burlington	Dec. 31, 1978
Forest E. Eastman	Cedar Falls	Dec. 31, 1978
Lynne E. Brady	Cedar Rapids	Dec. 31, 1978
Anthony R. Scolaro	Cedar Rapids	Dec. 31, 1978
John F. Siebenmann	Cedar Rapids	Dec. 31, 1978
Ross F. Caniglia	Council Bluffs	Dec. 31, 1978
Jack F. Broderick	Davenport	Dec. 31, 1978
Don Petrucelli	Davenport	Dec. 31, 1978
Phillip T. Steffen, Jr.	Davenport	Dec. 31, 1978
Howard W. Brooks	Des Moines	Dec. 31, 1978
Luther T. Glanton, Jr.	Des Moines	Dec. 31, 1978
Norman D. Elliott	Des Moines	Dec. 31, 1978
Thomas A. Renda	Des Moines	Dec. 31, 1978
Frank D. Gilloon, Jr.	Dubuque	Dec. 31, 1978
Wayne A. Norman, Jr.	Dubuque	Dec. 31, 1978
Roger R. Halleck	Marshalltown	Dec. 31, 1978
Jack L. Burns	Muscatine	Dec. 31, 1978
John M. Fachman	Sioux City	Dec. 31, 1978
Everett H. Scott	Waterloo	Dec. 31, 1978

JUDICIAL NOMINATING COMMISSION, STATE

Secs. 46.1, 46.2

Appointive

Mrs. Carol Johnson	Ottumwa	June 30, 1979
Donald S. Willis	Des Moines	June 30, 1979
Nancy S. Brown	Waterloo	June 30, 1981
Mrs. Jean Braley	Shenandoah	June 30, 1981
C. H. Wildman	Davenport	June 30, 1977
Donald Balster	Marion	June 30, 1977
Wm. E. Beck, Jr.	Spirit Lake	June 30, 1977

Elective

Attorneys		
Don K. Walter	Burlington	June 30, 1975
William M. Dallas	Cedar Rapids	June 30, 1975
John W. Tobin	Vinton	June 30, 1977
Arthur H. Johnson	Fort Dodge	June 30, 1977
Wendell Pendleton	Storm Lake	June 30, 1975
Philip J. Willson	Council Bluffs	June 30, 1975
Robert Fulton	Waterloo	June 30, 1979

JUDICIAL NOMINATING COMMISSIONS, DISTRICT

§46.3

*Appointive**Election District 1A*

Mrs. Alice Jane Walter	Guttenberg	Jan. 31, 1980
Frank Holland	Decorah	Jan. 31, 1980
Mrs. Jill Tracey	Manchester	Jan. 31, 1976
Dr. Milton F. Schlein	Postville	Jan. 31, 1976
Mrs. Charlotte Kelly	Dubuque	Jan. 31, 1978

Election District 1B

Mrs. Georgia Hutchison	Oelwein	Jan. 31, 1976
Richard (Dick) H. Young	Waterloo	Jan. 31, 1980
Mrs. Anita M. Andries	Waterloo	Jan. 31, 1980
Mrs. LaVonne Solberg	Independence	Jan. 31, 1976
John J. Burgess	Cresco	Jan. 31, 1978

Election District 2A

Dean Kline	Charles City	Jan. 31, 1974
Frank Jeffrey	Mason City	Jan. 31, 1976
Charles H. Dick	Hampton	Jan. 31, 1976
Max Eggleston	Waverly	Jan. 31, 1978

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name	Office Address	Term Ending
<i>Election District 2B</i>		
Dr. Paul Ferguson	Lake City	Jan. 31, 1980
Jon E. McClure	Fort Dodge	Jan. 31, 1980
Chase McLaughlin	Humboldt	Jan. 31, 1976
Frank Cervetti	Marshalltown	Jan. 31, 1976
Mrs. Carolyn Houk	Jefferson	Jan. 31, 1978
<i>Election District 3A</i>		
Tom Howe	Spencer	Jan. 31, 1974
Mrs. Elizabeth Vanden Heuvel	Rock Rapids	Jan. 31, 1974
John B. Anderson	Storm Lake	Jan. 31, 1976
Blaine Hoiem	Spirit Lake	Jan. 31, 1976
Kirk Hayes	Algona	Jan. 31, 1978
<i>Election District 3B</i>		
Mrs. Val Moeller	LeMars	Jan. 31, 1980
Richard P. Sulzbach	Sioux City	Jan. 31, 1980
Mrs. John Kelly	Sioux City	Jan. 31, 1976
Norton D. Obrecht	Holstein	Jan. 31, 1976
Roger Linn	Correctionville	Jan. 31, 1978
<i>Election District 4</i>		
Leo R. Kessler	Audubon	Jan. 31, 1980
Lewis W. Ross, Jr.	Oakland	Jan. 31, 1976
Mrs. Virginia Deardorff	Atlantic	Jan. 31, 1976
Hale C. Greenleaf	Shenandoah	Jan. 31, 1978
Mrs. Betty Sanders	Council Bluffs	Jan. 31, 1980
<i>Election District 5A</i>		
Eugene T. Smith	Indianola	Jan. 31, 1980
Ray Murphy	Des Moines	Jan. 31, 1980
Max Kreager	Newton	Jan. 31, 1976
Mrs. Corrine Hubbell	Des Moines	Jan. 31, 1976
Mrs. Betty Schwartzkopf	Stuart	Jan. 31, 1978
<i>Election District 5B</i>		
B. L. Cunning	Mount Ayr	Jan. 31, 1974
T. M. Thompson	Creston	Jan. 31, 1974
Mrs. Judith Carlson	Greenfield	Jan. 31, 1976
Mrs. Janet Winslow	Corydon	Jan. 31, 1976
Kenneth Olive	Chariton	Jan. 31, 1978
<i>Election District 6</i>		
John B. Turner	Cedar Rapids	Jan. 31, 1974
Dr. Robert Savage	Monticello	Jan. 31, 1974
Rev. John Woods	Cedar Rapids	Jan. 31, 1976
Mrs. Marsha Thudium	Vinton	Jan. 31, 1976
Mrs. Jean Swisher	Iowa City	Jan. 31, 1978
<i>Election District 7</i>		
Mrs. Barbara Woodstra	Muscatine	Jan. 31, 1980
Robert Joslin	Clarence	Jan. 31, 1980
Mrs. Odetta C. Moore	Davenport	Jan. 31, 1976
Dr. Donald E. McAreavy	Maquoketa	Jan. 31, 1976
Marvin D. Ohsann	Clinton	Jan. 31, 1978
<i>Election District 8A</i>		
Milford R. Wonderlich	Ollie	Jan. 31, 1974
Julian Campbell	Bloomfield	Jan. 31, 1974
Max Smith	Grinnell	Jan. 31, 1976
Leon Yates	Ottumwa	Jan. 31, 1976
Logan Heilman	Washington	Jan. 31, 1978
<i>Election District 8B</i>		
Mrs. Ada Waters	Danville	Jan. 31, 1974
Jewell Jury	Farmington	Jan. 31, 1974
Keith Garretson	Mount Pleasant	Jan. 31, 1976
Mrs. Nell Weber	Columbus Junction	Jan. 31, 1976
Edward K. Johnstone	Keokuk	Jan. 31, 1978

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name	Office Address	Term Ending
<i>Elective</i>		
<i>Election District 1A</i>		
Donald R. Breitbach	Dubuque	Jan. 31, 1976
James Hart	Elkader	Jan. 31, 1980
Alfred Hughes	Dubuque	Jan. 31, 1978
Arthur H. Jacobson	Waukon	Jan. 31, 1976
Charles A. Kintzinger	Dubuque	Jan. 31, 1978
<i>Election District 1B</i>		
Henry L. Elwood	Cresco	Jan. 31, 1976
Upton B. Kepford	Waterloo	Jan. 31, 1978
John W. Rathert	Waterloo	Jan. 31, 1976
Leroy H. Redfern	Cedar Falls	Jan. 31, 1978
Carl A. Greif	Independence	Jan. 31, 1980
<i>Election District 2A</i>		
B. C. Berge	Garner	Jan. 31, 1980
W. K. Carr	Charles City	Jan. 31, 1976
A. G. Dunkelberg	Osage	Jan. 31, 1978
Wm. H. Engelbrecht	Waverly	Jan. 31, 1980
Walter C. Schroeder	Mason City	Jan. 31, 1978
<i>Election District 2B</i>		
Donald L. Nelson	Nevada	Jan. 31, 1980
Whitley M. Hemingway	Webster City	Jan. 31, 1976
Craig L. Johnson	Marshalltown	Jan. 31, 1978
Thomas L. McCullough	Sac City	Jan. 31, 1978
Edward S. White	Carroll	Jan. 31, 1976
<i>Election District 3A</i>		
Gordon J. Forsyth	Estherville	Jan. 31, 1976
Joe E. Lynch, Jr.	Algona	Jan. 31, 1976
Edgar E. Mack	Storm Lake	Jan. 31, 1978
Frank B. Nelson	Spencer	Jan. 31, 1978
K. B. Welty	Spirit Lake	Jan. 31, 1980
<i>Election District 3B</i>		
Keith A. Beekley	Sioux City	Jan. 31, 1976
Frank J. Margolin	Sioux City	Jan. 31, 1978
William J. Rawlings	Sioux City	Jan. 31, 1978
Robert C. Reimer	Denison	Jan. 31, 1976
<i>Election District 4</i>		
John F. Boeye	Red Oak	Jan. 31, 1976
Proctor R. Perkins	Council Bluffs	Jan. 31, 1980
J. R. Larson	Atlantic	Jan. 31, 1978
Jake S. More	Harlan	Jan. 31, 1976
Raymond A. Smith	Council Bluffs	Jan. 31, 1978
<i>Election District 5A</i>		
Kent M. Forney	Des Moines	Jan. 31, 1980
John N. Diehl	Newton	Jan. 31, 1978
Thomas P. Hyland	Des Moines	Jan. 31, 1976
Clyde Putnam, Jr.	Des Moines	Jan. 31, 1978
Dale E. Spencer	Des Moines	Jan. 31, 1976
<i>Election District 5B</i>		
William Don Carlos	Greenfield	Jan. 31, 1978
James Harsh	Creston	Jan. 31, 1978
G. F. Hoffman	Leon	Jan. 31, 1976
Richard D. Morr	Chariton	Jan. 31, 1976
Richard L. Wilson	Lenox	Jan. 31, 1980

JUDICIAL DEPARTMENT—Continued

PREPARED BY THE OFFICE OF THE HONORABLE MELVIN D. SYNHORST, SECRETARY OF STATE

Name	Office Address	Term Ending
<i>Election District 6</i>		
James W. Crawford	Cedar Rapids	Jan. 31, 1980
Caryl W. Garberson	Cedar Rapids	Jan. 31, 1976
William L. Meardon	Iowa City	Jan. 31, 1978
James F. Pickens	Cedar Rapids	Jan. 31, 1976
Robert C. Tilden	Cedar Rapids	Jan. 31, 1978
<i>Election District 7</i>		
Elmer E. Bloom	Muscatine	Jan. 31, 1978
John E. Nagle	Davenport	Jan. 31, 1978
David O. Shaff	Clinton	Jan. 31, 1980
Erwin E. Stamp	Bellevue	Jan. 31, 1976
Charles E. Wittenmeyer	Davenport	Jan. 31, 1976
<i>Election District 8A</i>		
Marvin V. Colton	Centerville	Jan. 31, 1976
Albert F. Goeldner	Sigourney	Jan. 31, 1978
Scott Jordan	Fairfield	Jan. 31, 1978
Charles M. Manley	Grinnell	Jan. 31, 1980
Richard H. Wright	Bloomfield	Jan. 31, 1976
<i>Election District 8B</i>		
Kenneth A. Aspelmeier	Burlington	Jan. 31, 1980
Henry L. Hirsch	Burlington	Jan. 31, 1978
Harold F. McLeran	Mount Pleasant	Jan. 31, 1976
Russell R. Newell	Columbus Junction	Jan. 31, 1976
R. L. Fehseke, Sr.	Ft. Madison	Jan. 31, 1978

CONGRESSIONAL DIRECTORY
UNITED STATES SENATORS

Dick Clark, Marion, Iowa	Dec. 31, 1978
John Culver, Cedar Rapids, Iowa	Dec. 31, 1980

UNITED STATES REPRESENTATIVES

District		
1	Edward Mezvinsky, Iowa City, Iowa	Dec. 31, 1976
2	Michael Blouin, Dubuque, Iowa	Dec. 31, 1976
3	Charles Grassley, New Hartford, Iowa	Dec. 31, 1976
4	Neal Smith, Altoona, Iowa	Dec. 31, 1976
5	Tom Harkin, Ames, Iowa	Dec. 31, 1976
6	Berkley Bedell, Spirit Lake, Iowa	Dec. 31, 1976

GENERAL ASSEMBLY

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION

[Members from even-numbered districts were elected in 1972 for four-year terms]

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Andersen, Leonard C.	Sioux City	63	Insurance, Real Estate, Investments	26—Woodbury, Monona	59, 60, 60X, 62, 63, 64, 65
Bergman, Irvin L.	Harris	63	Farmer, Businessman	2—Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux	62, 63, 64, 65
Briles, James E.	Corning	48	Auctioneer, Real Estate	48—Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union	56, 58, 59, 60, 60X, 61, 62, 63, 64, 65
Burroughs, Cliff	Greene	57	Legislator	19—Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama	65(2nd)
Carr, Robert M.	Dubuque	37	Stockbroker	10—Dubuque	65
Coleman, C. Joseph	Clare	51	Farmer	23—Webster, Humboldt	57, 58, 59, 60, 60X, 61, 62, 63, 64, 65
Culver, Louis P.	Dunlap	66	Farmer	27—Harrison, Crawford, Monona, Pottawattamie, Shelby	None
Curtis, Warren E.	Cherokee	60	Certified Public Accountant	3—Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas	64, 65
DeKoster, Lucas J.	Hull	56	Lawyer	1—Sioux, Lyon, Plymouth	61, 62, 63, 64, 65
Doderer, Minnette	Iowa City	51	Legislator	37—Johnson	60X, 61, 62, 63, 64, 65
Gallagher, James V.	Jesup	41	Telephone Company	16—Black Hawk, Benton, Buchanan, Linn, Tama	61, 62, 65
Glenn, Gene W.	Ottumwa	46	Lawyer	45—Wapello, Appanoose, Davis, Mahaska, Monroe	61, 62, 63, 64, 65

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Gluba, William E.....	Davenport	32	Lawmaker-Realtor	41—Scott.....	64, 65
Griffin, James W., Sr.....	Council Bluffs	39	Insurance Executive	50—Pottawattamie	63, 64, 65
Hansen, Willard R.	Cedar Falls	43	General Insurance, Real Estate	18—Black Hawk	63, 64, 65
Heying, Hillarius L.	West Union	60	Businessman, Farmer	8—Fayette, Bremer,	
				Chickasaw, Howard, Winneshiek	61, 62, 65
Hill, Eugene M.....	Newton.....	61	Farmer	35—Jasper, Mahaska, Marion, Polk, Poweshiek, Warren	58, 59, 60, 60X, 61, 62, 63, 64, 65
Hill, Philip B.....	Des Moines	43	Lawyer	33—Polk	64, 65
Hultman, Calvin O.	Red Oak	33	Retail Lumberman	49—Montgomery, Fremont, Mills, Page, Pottawattamie	65
Junkins, Lowell L.....	Montrose	30	Home Construction and Real Estate Developer, Ambulance Service Operator	43—Lee, Des Moines, Henry	65
Kelly, E, Kevin	Sioux City.....	31	Senior Trust Officer, Bank.....	25—Woodbury, Cherokee, Plymouth.....	64, 65
Kinley, George R.....	Des Moines	37	Owner and Operator Driving Range and Miniature Golf	34—Polk, Warren	64, 65
Lamborn, Clifton C.	Maquoketa	55	Road Contractor	12—Jackson, Cedar, Clinton, Johnson, Jones, Scott	62, 63, 64, 65
Merritt, Milo	Osage	59	Real Estate Salesman.....	7—Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard	None
Miller, Charles P.....	Burlington.....	56	Doctor of Chiropractic	42—Des Moines, Henry, Louisa	60, 60X, 61, 62, 63, 64, 65

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Miller, Elizabeth R.....	Marshalltown	69	Homemaker, Legislator.....	20—Marshall, Grundy, Hardin, Jasper, Story	63, 64, 65
Murray, John S.....	Ames	35	Attorney	21—Story, Boone, Polk	65
Nolin, Karl.....	Ralston	67	Consultant.....	28—Carroll, Audubon, Cass, Crawford, Greene, Guthrie, Shelby	62, 65
Nolting, Fred W.....	Waterloo.....	42	Meat Cutter	17—Black Hawk	63
Norpel, Richard J., Sr.....	Bellevue.....	56	Real Estate and Insurance Salesman, Owner Women's Clothing Store.....	11—Jackson, Delaware, Dubuque, Jones	64, 65
Nystrom, John N.....	Boone	41	Auto Dealer.....	22—Boone, Greene, Hamilton, Story, Webster	64, 65
Orr, Joan	Grinnell	51	Legislator.....	36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama.....	63(2nd), 65
Palmer, William D.....	Des Moines.....	39	President Ins. Agency	32—Polk	61, 62, 63, 64, 65
Plymat, William N.....	Urbandale.....	63	Insurance Co. Executive.....	30—Polk	65
Priebe, Bert E.....	Algona	56	Famer, Businessman	4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago	63, 64, 65
Rabedeaux, W. R.	Wilton	55	Pres. Publishing Co. ; Director, Power Co.....	38—Muscatine, Johnson, Louisa, Scott.....	63(2nd), 64, 65
Ramsey, Richard R.....	Osceola	33	Attorney	47—Clark, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne	65
Redmond, James M.....	Cedar Rapids	32	Assistant City Attorney	13—Linn, Johnson	None
Robinson, Cloyd E.....	Cedar Rapids	36	Production Line Operator	14—Linn, Benton	64, 65

MEMBERS OF THE SENATE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION

Name	Address	Age	Occupation	Senatorial District	Former Legislative Service
Rodgers, Norman G.	Adel	47	Super Market Owner-Farmer.....	29—Dallas, Adair, Clarke, Guthrie, Madison, Warren	63, 64, 65
Schwengels, Forrest V.	Fairfield.....	59	Real Estate	44—Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington	65
Scott, Kenneth D.....	Thornton	44	Farmer, Auctioneer, Real Estate	6—Cerro Gordo, Worth	64, 65
Shaff, Roger J.	Camanche.....	63	Farmer	39—Clinton, Scott	62, 63, 64, 65
Shaw, Elizabeth	Davenport	51	Lawyer, Housewife	40—Scott	62, 63, 64, 65
Sovern, Steve	Marion.....	32	Manager (Pres.) Sign Company.....	15—Linn	None
Taylor, Ray	Steamboat Rock ...	51	Farmer	5—Hardin, Cerro Gordo, Franklin, Hancock, Wright	65
Tieden, Dale L.....	Elkader	52	Farmer	9—Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek	61, 62, 63, 64, 65
Van Gilst, Bass	Oskaloosa	63	Farmer	46—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek, Warren	61, 62, 63, 64, 64
Willits, Earl M.....	Des Moines	28	Attorney	31—Polk	64, 65
Winkelman, William P.	Lohrville	41	Farmer	24—Calhoun, Carroll, Cherokee, Crawford, Buena Vista, Greene, Ida, Pocahontas, Sac	60, 60X, 61, 62, 63, 64, 65

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Anderson, Robert T.	Newton	29	Teacher	69th—Jasper, Marion, Polk, Warren	None
Avenson, Donald D.	Oelwein	30	Office Manager	15th—Bremer, Chickasaw, Fayette, Howard, Winneshiek	65
Baker, Keith	Linn Grove	45	USAF Retired, Farmer	6th—Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	None
Bennett, Wayne	Galva	47	Farmer	48th—Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac	65
Bina, Robert F.	Davenport	34	Artist	80th—Scott	None
Bittle, Edgar H.	West Des Moines	32	Attorney	66th—Polk	65
Bortell, Glen E.	St. Charles	60	Owner & Operator of Youth Ranch	58th—Adair, Clarke, Dallas, Madison, Warren	63 (2-S), 65
Brandt, Diane	Cedar Falls	36	Legislator	35th—Black Hawk	None
Branstad, Terry E.	Lake Mills	28	Lawyer	8th—Emmet, Hancock, Kossuth, Winnebago	65
Brockett, Glenn F.	Marshalltown	64	Retired	39th—Marshall	65
Brunow, John B.	Centerville	25	Railway Employee	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	65
Byerly, Richard L.	Ankeny	36	Administrator	61st—Polk	65
Caffrey, James T.	Des Moines	66	Retired	67th—Polk	61,62,63,65
Clark, John H.	Keokuk	28	Insurance Agent	86th—Lee, Henry	64,65
Cochran, Dale M.	Eagle Grove	46	Farmer, Businessman	45th—Webster, Humboldt	61,62,63,64,65
Connors, John H.	Des Moines	51	Fire Department—Captain	64th—Polk	65
Crabb, Frank	Denison	71	Retired Business Executive	53rd—Crawford, Harrison, Monona	63,65
Crawford, Reid W.	Ames	23	Legislator	42nd—Boone, Polk, Story	65
Cusack, Gregory D.	Davenport	31	Community Organizer	81st—Scott	65
Daggett, Horace	Kent	43	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65
Danker, Arlyn E.	Minden	45	Farmer	54th—Harrison, Pottawattamie, Shelby	65

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Den Herder, Elmer H.....	Sioux Center.....	66	Retired Farmer	1st—Lyon, Sioux	57,58,59,60,60X, 61,62,63,64,65
Dieleman, Wm. W. (Bill)...	Pella.....	43	Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek.....	None
Doyle, Donald V.....	Sioux City.....	49	Lawyer	51st—Woodbury.....	57,58,61,63,64, 65
Drake, Richard F.....	Muscatine	47	General Farming	76th—Muscatine, Scott	63,64,65
Dunton, Keith H.....	Thornburg	59	Farmer, Businessman	88th—Keokuk, Washington.....	58,59,60,60X,61, 62,63,64,65
Dyrland, Terry.....	Elkader	31	Teacher	18th—Clayton, Delaware, Dubuque, Fayette.....	
Egenes, Sonja.....	Story City	44	Legislator	43rd—Boone, Hamilton, Story, Webster.....	64,65
Evans, Cooper.....	Grundy Center	50	Engineer, Farmer	38th—Black Hawk, Butler, Franklin, Grundy, Marshall, Tama	None
Fitzgerald, Jerome	Fort Dodge.....	33	Administrative & Political Consultant	46th—Webster	65
Fullerton, Bert	Correctionville	72	Farmer	49th—Cherokee, Plymouth, Woodbury	62,65
Gentleman, Julia B.....	Des Moines	43	Housewife.....	65th—Polk	None
Gilloon, Thomas J.....	Dubuque	25	Salesperson	21st—Dubuque, Jackson	None
Griffee, William B.....	Nashua	38	Legislator, Consulting Service	14th—Chickasaw, Floyd, Howard, Mitchell.....	65
Halvorson, Roger A.....	Monona	40	Insurance, Real Estate Broker.....	17th—Allamakee, Clayton, Winneshiek	None
Hansen, Ingwer L.....	Hartley.....	62	Retired	3rd—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux	65
Hargrave, William Jr.	Iowa City.....	44	Self-employed	74th—Johnson	65

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Harper, Mattie	West Grove	50	Legislator, Business Woman, Homemaker	90th—Appanoose, Davis, Wapello	65
Harvey, LaVern R.	Bettendorf	30	Contractor	79th—Scott	65
Hennessey, Maurice	Ryan	47	Salesman	22nd—Delaware, Dubuque, Jackson, Jones	65
Higgins, Thomas J.	Davenport	29	Communication Consultant	82nd—Scott	65
Hines, Neal	Nevada	24	Ironworker	41st—Story	None
Hinkhouse, Herbert C.	West Branch	57	Farmer	24th—Cedar, Clinton, Johnson, Scott	None
Horn, Wally E.	Cedar Rapids	40	Teacher	28th—Linn	65
Howell, Rollin K.	Rockford	45	Farmer	13th—Cerro Gordo, Floyd, Mitchell	65
Hullinger, Arlo	Leon	53	Farmer	94th—Clarke, Decatur, Madison, Ringgold, Union, Wayne	61,62
Husak, Emil J.	Toledo	44	Farmer	71st—Benton, Iowa, Poweshiek, Tama	64,65
Hutchins, C. W. (Bill)	Guthrie Center	43	Self-employed Businessman	56th—Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby	65
Jesse, Norman G.	Des Moines	37	Attorney	62nd—Polk	63,64,65
Jochum, Thomas J.	Dubuque	23	Plant Worker	19th—Dubuque	None
Jordan, James D.	Marion	54	Farmer	30th—Linn	65
Junker, Willis E.	Sioux City	49	Investor	50th—Woodbury	65
Koogler, Fred L., Sr.	Oskaloosa	48	Legislator	91st—Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek	None
Krause, Robert A.	Fenton	24	Farmer	7th—Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas	65
Kreamer, Robert M.	Des Moines	34	Attorney	60th—Polk	63,64,65
Lageschulte, Ray	Waverly	52	Farmer	37th—Black Hawk, Bremer, Butler, Floyd	None

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Lindeen, Arnold R.	Swedesburg	64	Farmer	83rd—Des Moines, Henry, Louisa	None
Lipsky, Joan	Cedar Rapids	55	Legislator	26th—Linn	62,63,64,65
Lonergan, Joyce	Boone	40	Housewife	44th—Boone, Greene	None
McElroy, Lillian	Percival	57	Business Woman, Legislator	97th—Fremont, Mills, Montgomery, Page	64,65
Menke, Lester D.	Calumet	55	Farmer, Insurance	5th—Buena Vista, Cherokee, Clay, O'Brien, Plymouth	65
Mennenga, Jay	Clinton	31	Teacher	77th—Clinton	65
Middleswart, James I.	Indianola	62	Food Producer	92nd—Lucas, Marion, Warren	62,63,64,65
Middleton, M. Peter	Waterloo	28	Labor Relations— Packing Company	34th—Black Hawk	None
Millen, Floyd H.	Farmington	55	Owner-Limestone & Gravel Company	87th—Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington	60,60X,61,62,63, 64,65
Miller, Alvin V.	Ventura	53	Farmer, Retail Merchant	11th—Cerro Gordo	65
Miller, Kenneth D.	Independence	48	Owner-Mobile Home Ct.	32nd—Black Hawk, Buchanan	65
Miller, Opal	Rockwell City	59	Housewife	47th—Calhoun, Carroll, Greene, Pocahontas, Sac	None
Monroe, W. R. (Bill) Jr.	Burlington	36	Pharmacist	84th—Des Moines	64,65
Nealson, Otto H.	West Liberty	57	Real Estate Broker	75th—Johnson, Louisa, Muscatine	None
Newhard, Scott D.	Anamosa	23	Self-Employed	23rd—Cedar, Clinton, Jackson, Jones	65
Nielsen, Carl V.	Altoona	42	Lawyer	63rd—Polk	65
Norland, Lowell E.	Kensett	43	Farmer	12th—Cerro Gordo, Worth	65
Oakley, Brice C.	Clinton	37	Lawyer	78th—Clinton, Scott	65
O'Halloran, Mary	Cedar Falls	31	Teacher	36th—Black Hawk	65
Patchett, John E.	North Liberty	25	Legislator	25th—Johnson, Linn	65
Pavich, Emil S.	Council Bluffs	43	Cereal Company Employee	99th—Pottawattamie	None
Pellett, Wendell C.	Atlantic	57	Farmer	95th—Adair, Adams, Cass, Guthrie, Union	64,65

MEMBERS OF THE HOUSE—SIXTY-SIXTH GENERAL ASSEMBLY—1975 REGULAR SESSION—Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Perkins, Carroll	Jefferson	48	Agriculture	55th—Audubon, Carroll, Crawford, Greene, Guthrie	None
Poncy, Charles N.	Ottumwa	52	Maintenance Engineer	89th—Mahaska, Monroe, Wapello	62,63,65
Readinger, David M.	Urbandale	39	Salesman	59th—Polk	65
Rinas, B. Joseph	Marion	27	Machine Operator	29th—Linn	65
Scheelhaase, Lyle	Moville	43	Farmer	52nd—Monona, Woodbury	None
Schroeder, Laverne W.	McClelland	41	Farmer	98th—Mills, Pottawattamie	62,63,64,65
Small, Arthur A., Jr.	Iowa City	40	Businessman	73rd—Johnson	64,65
Spear, Clay	Burlington	58	Substitute Teacher	85th—Des Moines, Lee	None
Spencer, Don W.	Ruthven	52	Farmer	4th—Clay, Dickinson, Emmet, Palo Alto	None
*Spradling, James W.	Orange City	52	Teacher and Psychologist	2nd—Plymouth, Sioux	None
Stromer, Delwyn	Garner	44	Farmer	9th—Cerro Gordo, Franklin, Hancock, Wright	62,63,64,65
Svoboda, Linda A.	Amana	31	Journalist	72nd—Benton, Iowa, Johnson, Keokuk, Poweshiek	None
Tauke, Thomas J.	Dubuque	24	Attorney	20th—Dubuque	None
Tofte, Semor C.	Decorah	63	Legislator	16th—Fayette, Howard, Winneshiek	65
Varley, Andrew	Stuart	40	Farmer	57th—Adair, Dallas, Guthrie	62,63,64,65
Walter, Craig D.	Council Bluffs	25	Director—Division of Heart Association	100th—Pottawattamie	None
Welden, Richard W.	Iowa Falls	66	Retired Contractor	10th—Franklin, Hardin, Wright	62,63,64,65
Wells, James D.	Cedar Rapids	46	Employee— Cereal Company	27th—Benton, Linn	63,64,65
West, James C.	State Center	42	Furniture Retailer	40th—Grundy, Hardin, Jasper, Marshall, Story	65
Woods, Jack E.	Des Moines	38	Self Employed	68th—Polk, Warren	65
Wulff, Henry C.	Waterloo	31	Real Estate Salesman	33rd—Black Hawk	65
Wyckoff, Russell L.	Vinton	49	Farmer	31st—Benton, Black Hawk, Buchanan, Linn, Tama	64,65

(2-S) Denotes second regular session.

*Stephens, Lyle R. LeMars 63 Retired Farmer 2nd—Plymouth, Sioux 65
Served until election contest resolved May 15, 1975.

OFFICERS OF THE SIXTY-SIXTH GENERAL ASSEMBLY

1975 REGULAR SESSION

OFFICERS OF THE SENATE

<i>President of the Senate</i> —Lieutenant Governor Arthur A. Neu	Carroll
<i>President Pro Tempore</i> —Minnette Frerichs Doderer	Iowa City
<i>Majority Floor Leader</i> —George R. Kinley	Des Moines
<i>Assistant Majority Floor Leader</i> —Berl E. Priebe	Algona
<i>Assistant Majority Floor Leader</i> —Bass Van Gilst	Oskaloosa
<i>Minority Floor Leader</i> —Clifton C. Lamborn	Maquoketa
<i>Assistant Minority Floor Leader</i> —Willard R. Hansen	Cedar Falls
<i>Assistant Minority Floor Leader</i> —Roger J. Shaff	Camanche
<i>Secretary of the Senate</i> —Clark R. Rasmussen	West Des Moines
<i>Assistant Secretary of the Senate</i> —David L. Charles	Des Moines
<i>Senate Legal Counsel</i> —Steven C. Cross	Des Moines
<i>Administrative Assistant to Lieutenant Governor</i> —George W. Wittgraf	Des Moines
<i>Confidential Secretary to Lieutenant Governor</i> —Jane Warren	Des Moines
<i>Administrative Assistant to Majority Leader</i> —Bart Rule	Dunlap
<i>Administrative Assistant to Minority Leader</i> —Ralph M. Kauffman	Maquoketa
<i>Research Assistant to Majority Leader</i> —Mary Warren	Des Moines
<i>Research Assistant to Minority Leader</i> —Diane Glass	Perry
<i>Research Assistant to President Pro Tempore</i> —Norma Matthews	Des Moines
<i>Research Assistant to Assistant Majority Leader</i> —Charles Riekema	Forest City
<i>Research Assistant to Assistant Majority Leader</i> —Nicholas C. Needles	Indianola
<i>Research Assistant to Majority Caucus</i> —Robert P. Brammer	Cedar Falls
<i>Research Assistant to Majority Caucus</i> —Martin H. Brown	Iowa Falls
<i>Research to Minority Caucus</i> —Donald R. Mason	Russell
<i>Executive Secretary to the Secretary</i> —K. Marie Thayer	Ankeny
<i>Secretary to the Secretary</i> —Joyce M. Horner	Des Moines
<i>Journal Editor</i> —Dorothy F. Nepstad	Des Moines
<i>Journal Clerk</i> —Sue Thomsen	Des Moines
<i>Assistant to the Legal Counsel</i> —Rosemary Andreano	Des Moines
<i>Finance Clerk</i> —Mary Ann Abbott	Des Moines
<i>Engrossing Clerk</i> —Elizabeth Ligouri	Des Moines
<i>Enrolling Clerk</i> —Corliss J. Williams	Des Moines
<i>Records and Supply Clerk</i> —Cynthia A. Vitous	West Des Moines
<i>Special Clerk</i> —Judy K. Iseminger	Des Moines
<i>Control Board Operator</i> —Mary Lynn Neuhaus	Dubuque
<i>Switchboard Operator</i> —Betty Lawler	Des Moines
<i>Switchboard Operator</i> —Betty Schwengels	Fairfield
<i>Bill Clerk</i> —Caryll Wilbur	Indianola
<i>Assistant Bill Clerk</i> —Chris Huss	Des Moines
<i>Postmaster</i> —Dino Masolini	Des Moines
<i>Sergeant-at-arms</i> —William C. Sloan	Des Moines
<i>Assistant Sergeant-at-arms</i> —Byron Marshall	Indianola
<i>Chief Doorkeeper</i> —Leonard Borg	Des Moines
<i>Doorkeeper</i> —George R. Chastain	Des Moines
<i>Doorkeeper</i> —Richard W. Dunker	Des Moines
<i>Doorkeeper</i> —Charles M. McCoun	Des Moines
<i>Doorkeeper</i> —Michael McDonald	Des Moines
<i>Doorkeeper</i> —Ray J. Proseri	Des Moines
<i>Doorkeeper</i> —B. W. Rulon	Des Moines
<i>Cloakroom Attendant</i> —Gertrude Harris	Des Moines
<i>Porter</i> —James M. Sullivan	Des Moines

SIXTY-SIXTH GENERAL ASSEMBLY

1975 Regular Session

OFFICERS OF THE HOUSE

DALE M. COCHRAN, <i>Speaker of the House</i>	Eagle Grove
NORMAN G. JESSE, <i>Speaker Pro tempore</i>	Des Moines
JEROME FITZGERALD, <i>Majority Floor Leader</i>	Fort Dodge
DONALD D. AVENSON, <i>Assistant Majority Floor Leader</i>	Oelwein
WILLIAM J. HARGRAVE, JR., <i>Assistant Majority Floor Leader</i>	Iowa City
JAMES D. WELLS, <i>Assistant Majority Floor Leader</i>	Cedar Rapids
FLOYD H. MILLEN, <i>Minority Floor Leader</i>	Farmington
ANDREW VARLEY, <i>Assistant Minority Floor Leader</i>	Stuart
ROBERT M. KREAMER, <i>Assistant Minority Floor Leader</i>	Des Moines
DELWYN STROMER, <i>Assistant Minority Floor Leader</i>	Garner
DAVID L. WRAY, <i>Chief Clerk</i>	Des Moines
ROBERT F. DAVIES, <i>Assistant Chief Clerk and Reading Clerk</i>	Hampton
DAN L. DUDLEY, <i>Legal Counsel</i>	Des Moines
ELIZABETH A. ISAACSON, <i>Journal Editor</i>	Des Moines
FRANCES A. STEFANI, <i>Journal Clerk</i>	Ankeny
BILLIE JEAN WALLING, <i>Finance Clerk</i>	Des Moines
SALLY BLANTON, <i>Engrossing Clerk</i>	Des Moines
M. MAXINE MANN, <i>Executive Secretary to Chief Clerk</i>	Des Moines
FRANCES ANN BERNABE, <i>Executive Secretary to Speaker</i>	West Des Moines
EVELYN K. HIGGINBOTTOM, <i>Supervisor of Clerks</i>	Bondurant
PAULINE E. KEPHART, <i>Assistant to Legal Council</i> <i>and Enrolling Clerk</i>	West Des Moines
ELIZABETH J. O'CONNOR, <i>Assistant to Legal Counsel</i>	Des Moines
KAY MARKELL, <i>Research Assistant to Speaker</i>	Des Moines
CHRISTINE CARDIN, <i>Clerk to Chief Clerk</i>	Des Moines
DEBORAH COCHRAN, <i>Supply Clerk</i>	Eagle Grove
CATHERINE B. HOLLAND, <i>Swing Clerk</i>	West Des Moines
EDRIS H. OWENS, <i>Sergeant-at-Arms</i>	Newton
EARL I. BITTING, SR., <i>Assistant Sergeant-at-Arms</i>	Altoona
PHYLLIS J. FRAZIER, <i>Bill Clerk</i>	Des Moines
MADELINE E. JAMES, <i>Assistant Bill Clerk</i>	Des Moines
DALE L. MARBURGER, <i>File Clerk</i>	Camanche
KAREN HOWLAND, <i>Control Board Operator</i>	Guthrie Center
BETTY C. LAWSON, <i>Switchboard Operator</i>	Des Moines
DONNA L. WATERS, <i>Switchboard Operator</i>	Des Moines
DANIEL K. STERRETT, <i>Postmaster</i>	Des Moines
SHARON R. ROBINSON, <i>Public Information Office Director</i>	Des Moines
LINDA W. ELLIOTT, <i>Clerk to Public Information Director</i>	Des Moines
CLARENCE O. ANDERSON, <i>Doorkeeper</i>	Des Moines
LUMAN W. BELL, <i>Doorkeeper</i>	Des Moines
FRANK L. CHRISTEN, <i>Doorkeeper</i>	Des Moines
DONALD R. EMANUEL, <i>Doorkeeper</i>	Des Moines
HAROLD W. JOHNSON, <i>Doorkeeper</i>	Des Moines
LOREN E. PERRY, <i>Doorkeeper</i>	Indianola
JOHN W. RUSSELL, <i>Doorkeeper</i>	Des Moines
BESSIE J. BAGBY, <i>Cloakroom Attendant</i>	Des Moines
CALVIN G. PRUITT, <i>Porter</i>	Des Moines

CONDITION OF STATE TREASURY

Receipts, Disbursements and Balances in the Several Funds
For the Fiscal Period Ending June 30, 1974

Fiscal Year Ending June 30, 1974

	Balance July 1, 1973	Total Receipts and Transfers	Total Available	Total Warrants Redeemed Treasurer's Checks Issued and Transfers	Balance June 30, 1974
General Revenue.....	\$ 133,093,824	\$ 870,947,209	\$1,004,041,033	\$ 653,039,252	\$ 263,415,198
Transfers				87,586,583	
Trust Funds.....	121,755,494	280,497,987	483,541,125	359,710,097	123,831,028
Transfers		81,287,644			
Special Funds					
(Comptroller's Warrants)...	588,913,931	768,073,887	1,356,987,818	592,308,001	664,170,727
Transfers				100,509,090	
Special Funds					
(Treasurer's Checks).....	5,579,800	—0—	5,579,800	1,426,850	4,152,950
TOTALS	<u>\$ 849,343,049</u>	<u>\$2,000,806,727</u>	<u>\$2,850,149,776</u>	<u>\$1,794,579,873</u>	<u>\$1,055,569,903</u>
Balance July 1, 1973					\$ 849,343,049
Receipts and Transfers					<u>2,000,806,727</u>
Total					<u>\$2,850,149,776</u>
Disbursements and Transfers					<u>1,794,579,873</u>
Balance June 30, 1974					<u>\$1,055,569,903</u>

LAWS

OF THE

1975 Regular Session

OF THE

Sixty-sixth General Assembly

OF THE

STATE OF IOWA

PASSED AT DES MOINES, THE CAPITAL OF THE STATE, BEGUN ON THE THIRTEENTH DAY OF JANUARY, AND ENDED ON THE TWENTIETH DAY OF JUNE, A. D. 1975, IN THE ONE HUNDRED TWENTY-NINTH YEAR OF THE STATE.

APPROPRIATIONS

CHAPTER 1

LEGISLATIVE AGENCIES AND CODE EDITOR

S. F. 523

AN ACT relating to and appropriating funds to legislative agencies and agencies involved in the legislative process.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 the
3 following amounts, or so much thereof as is necessary to the following
4 legislative agencies and the pioneer lawmakers, the code editor, and
5 the commission on uniform state laws:

	1975 <u>Fiscal Year</u>
6	
7	
8 1. LEGISLATIVE FISCAL BUREAU	
9 For salaries, support, maintenance and miscellaneous purposes.....	
10	\$201,550
11 2. LEGISLATIVE SERVICE BUREAU	
12 For salaries, support, maintenance and miscellaneous purposes.....	
13	\$441,844
14 3. PIONEER LAWMAKERS	
15 For salaries, support, maintenance and miscellaneous purposes.....	
16	\$ 75
17 4. CODE EDITOR	
18 For salaries, support, maintenance and miscellaneous purposes.....	
19	\$ 54,072
20 5. COMMISSION ON UNIFORM STATE LAWS	
21 a. For support of the conference of commissioners on uniform state	
22 laws	\$ 5,600

23 b. For traveling expenses of members of the commission on uniform
24 state laws..... \$ 1,800

1 SEC. 2. Section twenty-eight B point four (28B.4), Code 1975, is
2 amended to read as follows:

3 **28B.4 Report.** The commission shall report to the governor and
4 to the legislature within fifteen days after the convening of each gener-
5 al assembly, and at such other time as it deems appropriate. Its mem-
6 bers and the members of all committees which it establishes shall be
7 reimbursed for their travel and other necessary expenses in carrying
8 out their obligations under this chapter and legislative members shall
9 be paid a per diem of forty dollars for each day in which engaged in
10 the performance of their duties, such per diem *and legislators' expen-*
11 *ses to be paid from funds appropriated by section sections two point*
12 *ten (2.10) and 2.12 of the Code. Expenses of administrative officers,*
13 *state officials, or state employees who are members of the Iowa com-*
14 *mission on interstate cooperation or a committee appointed by the*
15 *commission shall be paid from funds appropriated to the agencies*
16 *or departments which such persons represent except as may other-*
17 *wise be provided by the general assembly. Expenses of citizen mem-*
18 *bers who may be appointed to committees of the commission may be*
19 *paid from funds as authorized by the general assembly. Expenses of*
20 *the secretary or employees of the secretary and support services in*
21 *connection with the administration of the commission shall be paid*
22 *from funds appropriated to the legislative service bureau unless oth-*
23 *erwise provided by the general assembly. Expenses of commission*
24 *members shall be paid upon approval of the chairman or the secretary*
25 *of the commission.*

1 SEC. 3. Moneys appropriated by this Act shall not be used for capi-
2 tal improvements.

1 SEC. 4. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such federal grants or receipts.

Approved June 16, 1975

CHAPTER 2

JUDGES' SALARIES, CODE EDITOR AND P.E.R.B.

S. F. 564

AN ACT establishing salary rates for members of the judicial branch of government and the members of the public employment relations board.

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

1 SECTION 1. The salary rates established in this Act shall be in effect
2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976.
3 Persons receiving the salary rates established by this Act shall not re-
4 ceive any salary adjustments pursuant to any other Act approved by
5 the general assembly and where this Act conflicts with any other provi-
6 sions of law, this Act shall govern for the fiscal year beginning July 1,
7 1975 and ending June 30, 1976. Salaries provided for in this Act shall

8 be paid from funds appropriated to the agency which the person repre-
9 sents or for which the person is employed, however if the funds of the
10 agency which have been appropriated for salaries are insufficient to
11 pay the salaries fixed by this Act because of increases in such salaries,
12 funds may be allocated from funds appropriated by the general assem-
13 bly for salary adjustment purposes. In addition, if federal funds are
14 available for any position provided for in this Act, such federal funds
15 may be expended if the combined federal and state funds do not ex-
16 ceed the rates provided for in this Act.

17 The following annual salary rates shall be paid to the persons hold-
18 ing the positions indicated in the manner provided by this Act:

19	1. Chief justice of the supreme court.....	\$37,000
20	2. Each justice of the supreme court.....	\$36,000
21	3. Each chief judge of a judicial district.....	\$32,000
22	4. Each district court judge except the chief judge of a judicial dis-	
23	trict.....	\$31,500
24	5. Each district associate judge.....	\$23,500
25	6. Each full-time judicial magistrate.....	\$23,500
26	7. Each part-time judicial magistrate.....	\$ 6,000
27	8. Code editor.....	\$18,190
28	9. Court administrator.....	\$23,540
29	10. Clerk of the supreme court.....	\$20,000
30	11. Each legal assistant to the supreme court.....	\$12,500
31	12. Chairman of the public employment relations board	\$27,000
32	13. Two members of the public employment relations board, each	
33	.....	\$25,000

1 SEC. 2. All federal grants to and the federal receipts of the agencies
2 affected by the provisions of this Act which are received and may be
3 expended for purposes of this Act, are appropriated for such purposes
4 and as set forth in such federal grants or receipts.

1 SEC. 3. Section nineteen A point three (19A.3), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. Employees of the public employment relations
4 board.

Approved June 30, 1975

CHAPTER 3
OFFICIALS' SALARIES
S. F. 568

AN ACT establishing the method for setting salaries of certain state officials and setting a salary range for certain state officials and designated employees of the state and providing for the governor to set salaries within such ranges and expanding the use of funds appropriated by the general assembly.

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

1 SECTION 1. The governor may establish a salary for persons in the
2 executive branch of government holding the position within a range
3 provided in this Act by considering among other things, whether the
4 person receiving the salary is temporary or permanent, or acting full or
5 part time, the experience of the individual in the position, changes in
6 the duties of the position, the incumbent's performance of assigned du-

7 ties, the availability of qualified candidates for the position, and sub-
8 ordinates' salaries.

1 SEC. 2. The following annual salary ranges shall be in effect for the
2 fiscal year beginning July 1, 1975 and ending June 30, 1976 for the po-
3 sitions specified, the governor shall specify the salary to be paid to the
4 person indicated at a rate within the salary ranges indicated from
5 funds appropriated by the general assembly for such purposes:

	Range for 1975-76
8 1. COMMISSION ON AGING.	
9 Salary of executive secretary	\$14,000 to \$16,000
10 2. IOWA STATE ARTS COUNCIL.	
11 Salary of the director	\$17,000 to \$21,000
12 3. DEPARTMENT OF BANKING.	
13 Salary of the superintendent of banking	\$20,000 to \$27,500
14 4. IOWA BEER AND LIQUOR CONTROL DEPARTMENT.	
15 Salary of the director	\$18,000 to \$26,400
16 5. COMMISSION FOR THE BLIND.	
17 Salary of the director	\$18,000 to \$26,400
18 6. IOWA CIVIL RIGHTS COMMISSION.	
19 Salary of the executive secretary	\$18,000 to \$18,900
20 7. IOWA STATE COMMERCE COMMISSION.	
21 a. Salary of the chairman of the Iowa state commerce commission	
22	\$22,500 to \$26,400
23 b. Salary of the members of the Iowa state commerce commission	
24	\$22,500 to \$26,400
25 c. Salary of the executive secretary	\$14,000 to \$17,000
26 8. OFFICE OF STATE COMPTROLLER.	
27 Salary of the state comptroller	\$25,000 to \$31,300
28 9. STATE CONSERVATION COMMISSION.	
29 Salary of the director	\$18,000 to \$24,200
30 10. IOWA CRIME COMMISSION.	
31 Salary of the executive director	\$17,800 to \$21,000
32 11. IOWA DEVELOPMENT COMMISSION.	
33 Salary of the director	\$23,400 to \$27,500
34 12. DRUG ABUSE AUTHORITY.	
35 Salary of the director	\$16,000 to \$20,400
36 13. EDUCATIONAL RADIO AND TELEVISION FACILITY BOARD.	
37 Salary of the director	\$20,000 to \$26,400
38 14. COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.	
39 Salary of the executive secretary	\$14,000 to \$17,600
40 15. EMPLOYMENT SECURITY COMMISSION.	
41 Salary of each commissioner	\$18,000 to \$22,000
42 16. ENERGY POLICY COUNCIL.	
43 Salary of the director	\$18,000 to \$24,200
44 17. DEPARTMENT OF ENVIRONMENTAL QUALITY.	
45 Salary of the executive director	\$20,000 to \$26,400
46 18. STATE FAIR BOARD.	
47 Salary of the secretary	\$16,200 to \$18,700
48 19. DEPARTMENT OF GENERAL SERVICES.	
49 Salary of the director	\$23,400 to \$26,400
50 20. OFFICE OF STATE GEOLOGIST.	
51 Salary of the state geologist	\$22,000 to \$29,100
52 21. STATE DEPARTMENT OF HEALTH.	
53 Salary of the commissioner of health	\$23,400 to \$27,500
54 22. HIGHER EDUCATION FACILITIES COMMISSION.	

55	Salary of the executive director	\$18,500 to \$19,300
56	23. STATE HISTORICAL DEPARTMENT.	
57	a. Salary of the director of historical society	\$16,000 to \$24,800
58	b. Salary of the director of museum and archives.....	\$16,000 to \$17,600
59	c. Salary of the director of historical preservation.....	\$14,400 to \$15,400
60	24. OFFICE OF THE INDUSTRIAL COMMISSIONER.	
61	Salary of the industrial commissioner	\$18,000 to \$24,200
62	25. INSURANCE DEPARTMENT OF IOWA.	
63	Salary of the commissioner of insurance	\$23,400 to \$27,100
64	26. BUREAU OF LABOR.	
65	Salary of the labor commissioner	\$18,900 to \$19,800
66	27. IOWA LAW ENFORCEMENT ACADEMY.	
67	Salary of the director	\$18,000 to \$23,700
68	28. STATE LIBRARY COMMISSION.	
69	Salary of the state librarian	\$17,000 to \$20,400
70	29. IOWA MERIT EMPLOYMENT COMMISSION.	
71	Salary of the director	\$23,400 to \$24,800
72	30. IOWA NATURAL RESOURCES COUNCIL.	
73	Salary of the director	\$17,000 to \$20,900
74	31. PAROLE BOARD.	
75	Salary of each member.....	\$ 9,000 to \$10,700
76	32. OFFICE FOR PLANNING AND PROGRAMMING.	
77	Salary of the director.....	\$23,400 to \$25,300
78	33. DEPARTMENT OF PUBLIC DEFENSE.	
79	Salary of the director of civil defense	\$15,500 to \$19,000
80	34. DEPARTMENT OF PUBLIC INSTRUCTION.	
81	Salary of the superintendent of public instruction.....	\$28,800 to \$31,900
82	35. DEPARTMENT OF PUBLIC SAFETY.	
83	Salary of the commissioner of public safety.....	\$23,400 to \$27,500
84	36. STATE BOARD OF REGENTS.	
85	Salary of the executive secretary	\$24,000 to \$27,500
86	37. DEPARTMENT OF REVENUE.	
87	Salary of the director of revenue.....	\$22,000 to \$29,700
88	38. DEPARTMENT OF SOCIAL SERVICES.	
89	Salary of the commissioner of social services	
90	.....	\$24,000 to \$34,100
91	39. DEPARTMENT OF SOIL CONSERVATION.	
92	Salary of the director.....	\$18,000 to \$22,000
93	40. DEPARTMENT OF TRANSPORTATION.	
94	a. Salary of the director of transportation	\$28,750 to \$38,500
95	b. Salary of each member of the transportation regulation board	
96	.....	\$17,800 to \$24,200
97	c. Salary of each member of the transportation commission	
98	.....	\$ 9,000 to \$10,100

1 SEC. 3. Notwithstanding any laws of this state, the provisions of
2 this Act shall govern for the fiscal year 1975-1976. The salary rates es-
3 tablished by the governor under this Act for the persons indicated shall
4 be the total salary paid for the persons for whom established during
5 the fiscal year 1975-1976. Any salary rates or adjustments to salaries
6 provided for by any other Act of the Sixty-sixth General Assembly,
7 1975 Session, shall not apply to the positions specified in this Act, how-
8 ever funds appropriated for salaries, salary increases or adjustments to
9 salaries by any other Act of the Sixty-sixth General Assembly, 1975
10 Session, may be expended to fund salaries provided for by this Act if
11 funds appropriated to the agencies represented by or employing the

12 persons holding the positions specified in this Act are insufficient to
13 pay salaries provided for in this Act.

1 SEC. 4. The governor shall report to the legislative council the sala-
2 ry rates established pursuant to the provisions of this Act.

1 SEC. 5. Funds appropriated by the general assembly may be used
2 for the granting of an educational leave upon the approval of the di-
3 rector of the department and the governor. The state comptroller shall
4 notify the legislative fiscal bureau of all educational leaves granted
5 within fifteen days of the granting of the educational leave. Failure to
6 notify the legislative fiscal bureau of an educational leave shall pre-
7 clude use of funds appropriated by the general assembly for the educa-
8 tional leave.

1 SEC. 6. Section one hundred forty-seven point one hundred two
2 (147.102), Code 1975, is amended to read as follows:

3 **147.102 Physicians and surgeons, psychologists, chiropractors**
4 **and osteopaths.** Notwithstanding the provisions of this title, every
5 application for a license to practice medicine and surgery, psychology,
6 chiropractic, osteopathy, or osteopathic medicine and surgery, shall be
7 made directly to the secretary of the examining board of such profes-
8 sion, and every reciprocal agreement for the recognition of any such li-
9 cense issued in another state shall be negotiated by the examining
10 board for such profession, and all examination, license, and renewal
11 fees received from such persons licensed to practice any of such profes-
12 sions shall be paid to and collected by the secretary of the examining
13 board of such profession, who shall transmit the fees to the treasurer of
14 state who shall deposit the fees in the general fund of the state. The
15 salary of the secretary shall be set by the general assembly established
16 by the governor with the approval of the executive council pursuant
17 to section nineteen A point nine (19A.9), subsection two (2), of the
18 Code under the pay plan for exempt positions in the executive
19 branch of government.

1 SEC. 7. Section one hundred forty-seven point one hundred five
2 (147.105), Code 1975, is amended to read as follows:

3 **147.105 Executive director.** The board of nurse examiners may
4 appoint a full-time executive director who shall not be a member of the
5 board, and the provisions of section 147.22 shall not apply. The salary
6 of the executive director shall be set by the general assembly estab-
7 lished by the governor with the approval of the executive council
8 pursuant to section nineteen A point nine (19A.9), subsection two
9 (2), of the Code under the pay plan for exempt positions in the exec-
10 utive branch of government.

Approved June 30, 1975

CHAPTER 4

COURTS AND JUSTICE DEPARTMENT

H. F. 883

AN ACT relating to and appropriating funds to judicial courts and agencies and appropriating funds to the attorney general.

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 for the fiscal year beginning July 1, 1975, and ending June 30, 1976, to

3 the following judicial courts and agencies the following amounts, or so
4 much thereof as may be necessary, to be used for the following purpos-
5 es:

	1975-76 Fiscal Year
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	\$ 608,532
17	\$ 250
18	
19	
20	\$ 191,272
21	
22	
23	
24	\$ 7,730
25	
26	
27	\$ 35,517
28	
29	
30	\$ 27,008
31	
32	
33	\$ 1,140
34	
35	
36	
37	
38	
39	
40	\$4,471,109
41	
42	
43	
44	\$ 236,400

1 SEC. 2. Section six hundred eighty-five point eight (685.8), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Administer funds appropriated to the supreme
4 court, district courts, office of court administrator, the judicial qualifi-
5 cations commission, the clerk of the supreme court, the board of law
6 examiners, and the board of examiners of shorthand reporters.

1 SEC. 3. Section one hundred fifteen point one (115.1), Code 1975, is
2 amended to read as follows:

3 **115.1 Establishment of board.** There is established a board of
4 examiners of shorthand reporters which shall consist of three certified
5 shorthand reporters and two persons who are not certified shorthand re-
6 porters and who shall represent the general public. Members shall be
7 appointed by the governor subject to the approval of two thirds of the

8 ~~members of the senate supreme court.~~ A certified member shall be ac-
 9 tively engaged in the practice of certified shorthand reporting and
 10 shall have been so engaged for five years preceding his appointment,
 11 the last two of which shall have been in Iowa. Professional associations
 12 or societies composed of certified shorthand reporters may recommend
 13 the names of potential board members to the ~~governor supreme court,~~
 14 but the ~~governor supreme court~~ shall not be bound by the recommen-
 15 dations. A board member shall not be required to be a member of any
 16 professional association or society composed of certified shorthand re-
 17 porters.

1 SEC. 4. Section one hundred fifteen point two (115.2), Code 1975, is
 2 amended to read as follows:

3 **115.2 Terms of office.** Appointments shall be for three-year
 4 terms and shall commence on July 1 of the year in which the appoint-
 5 ment is made. Vacancies shall be filled for the unexpired term by ap-
 6 pointment ~~of by the governor and shall be subject to senate~~
 7 ~~confirmation~~ *supreme court.* Members shall serve a maximum of three
 8 terms or nine years, whichever is less.

9 *Initial appointments to the board of examiners of shorthand re-*
 10 *porters made by the supreme court shall commence as soon as possi-*
 11 *ble after July 1, 1975.*

1 SEC. 5. Section one hundred fifteen point three (115.3), Code 1975,
 2 is amended to read as follows:

3 **115.3 Meetings and board expenses.** The board of examiners
 4 shall fix stated times for the examination of the candidates and shall
 5 hold at least one meeting each year at the seat of government. A ma-
 6 jority of the members of the board shall constitute a quorum. The
 7 ~~board members supreme court~~ shall set ~~their own the board members'~~
 8 per diem compensation at a rate not exceeding forty dollars per day
 9 for each day actually engaged in the discharge of their duties, and
 10 their necessary expenses, such per diem and expenses to be paid from
 11 funds appropriated to the board.

1 SEC. 6. Section one hundred fifteen point seven (115.7), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **115.7 Court administrator to act as secretary—collection of**
 5 **fees.** The supreme court may designate the court administrator to act
 6 as secretary for the board and in such case no compensation in addi-
 7 tion to the court administrator's regular salary shall be paid. The secre-
 8 tary shall collect and account for all fees and pay them to the treasurer
 9 of state who shall deposit the fees in the general fund of the state. The
 10 board of examiners of shorthand reporters shall set the fees for exami-
 11 nation and for certification. The fees for examination shall be based on
 12 the annual cost of administering the examinations. The fees for certifi-
 13 cation shall be based upon the administrative costs of sustaining the
 14 board which shall include but shall not be limited to the cost for per
 15 diem, expenses and travel for board members, and office facilities, sup-
 16 plies and equipment.

1 SEC. 7. **Attorney general.** There is appropriated to the attorney
 2 general from the general fund of the state for the fiscal year beginning
 3 July 1, 1975, and ending June 30, 1976, the following amounts, or so
 4 much thereof as may be necessary, to be used for the following pur-
 5 poses:

6		1975-76
7		<u>Fiscal Year</u>
8	1. For salaries, support, maintenance and miscellaneous purposes	
9	-----	\$905,095
10	2. For matching funds for the area prosecutor program.....	\$137,910

1 SEC. 8. Section one hundred fifteen point sixteen (115.16),
 2 Code 1975, is repealed.

1 SEC. 9. All federal grants to and the federal receipts of the agencies
 2 appropriated funds under this Act are appropriated for the purposes
 3 set forth in such federal grants or receipts.

1 SEC. 10. Funds appropriated by this Act shall not be used for capi-
 2 tal improvements.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 5

AUDITOR, TREASURER, COMPTROLLER, DATA PROCESSING, CITY FINANCE,
 REVENUE DEPARTMENTS

S. F. 566

AN ACT appropriating funds to the auditor of state, treasurer of state, state comptroller, and department of revenue relating to the administrative duties of the department of revenue, and making certain provisions of the Act retroactive.

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 to the following departments for the fiscal year beginning July 1, 1975,
 3 and ending June 30, 1976, the following amounts, or so much thereof
 4 as may be necessary, to be used for the following purposes:

5		1975-1976
6		<u>Fiscal Year</u>
7	1. AUDITOR OF STATE	
8	For salaries, support, maintenance and miscellaneous purposes	
9	-----	\$ 965,650
10	2. TREASURER OF STATE	
11	For salaries, support, maintenance and miscellaneous purposes	
12	-----	\$ 268,078
13	3. STATE COMPTROLLER	
14	a. General office	
15	For salaries, support, maintenance and miscellaneous purposes	
16	-----	\$ 673,371
17	b. Division of data processing	
18	For salaries, support, maintenance and miscellaneous purposes	
19	-----	\$2,011,670
20	c. City finance committee	
21	For support and per diem of committee.....	\$ 19,750
22	4. DEPARTMENT OF REVENUE	
23	a. General office	

24 For salaries, support, maintenance and miscellaneous purposes
 25 ----- \$7,244,982
 26 b. For expansion of out-of-state auditing services \$ 45,000

1 SEC. 2. Section eleven point twenty-seven (11.27), Code 1975, is
 2 amended by striking subsection two (2).

1 SEC. 3. Section four hundred twenty-two point forty-three (422.43),
 2 unnumbered paragraph nine (9), Code 1975, is amended to read as fol-
 3 lows:

4 The following enumerated services shall be subject to the tax herein
 5 imposed on gross taxable services: Alteration and garment repair; arm-
 6 ored car; automobile repair; battery, tire and allied; investment
 7 counseling (excluding investment services of trust departments); bank
 8 service charges; barber and beauty; boat repair; car wash and wax;
 9 carpentry; roof, shingle, and glass repair; dance schools and dance stu-
 10 dios; dry cleaning, pressing, dyeing, and laundering; electrical repair
 11 and installation; engraving, photography, and retouching; equipment
 12 rental; excavating and grading; farm implement repair of all kinds;
 13 flying service, *except agricultural aerial application services and*
 14 *aerial commercial and charter transportation services*; furniture,
 15 rug, upholstery repair and cleaning; fur storage and repair; golf and
 16 country clubs and all commercial recreation; house and building mov-
 17 ing; household appliance, television, and radio repair; jewelry and
 18 watch repair; machine operator; machine repair of all kinds; motor re-
 19 pair; motorcycle, scooter, and bicycle repair; oilers and lubricators; of-
 20 fice and business machine repair; painting, papering, and interior
 21 decorating; parking lots; pipe fitting and plumbing; wood prepara-
 22 tion; private employment agencies; printing and binding; sewing and
 23 stitching; shoe repair and shoeshine; storage warehouse and storage
 24 locker; telephone answering service; test laboratories; termite, bug,
 25 roach, and pest eradicators; tin and sheet metal repair; turkish baths,
 26 massage, and reducing salons; vulcanizing, recapping, and retreading;
 27 warehouse; weighing; welding; well drilling; wrapping, packing, and
 28 packaging of merchandise other than processed meat, fish, fowl and
 29 vegetables; wrecking service; wrecker and towing.

1 SEC. 4. All federal grants to and the federal receipts of the agencies
 2 appropriated funds under this Act are appropriated for the purposes
 3 set forth in such federal grants or receipts.

1 SEC. 5. Funds appropriated by this Act shall not be used for capital
 2 improvements.

1 SEC. 6. The provisions of section three (3) of this Act shall be retro-
 2 active to July 1, 1974.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 6

HISTORICAL AND LIBRARY DEPARTMENTS, ARTS COUNCIL,
ACADEMY OF SCIENCE AND MILITARY LIBRARY

H. F. 880

AN ACT appropriating funds to the Iowa state historical department, the Iowa library department, the Iowa state arts council and the academy of science and establishing a military library division within the Iowa library department.

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	to the Iowa state historical department, the Iowa library department,	
3	including the state regional library system, the Iowa arts council and	
4	the academy of science for the fiscal year beginning July 1, 1975, and	
5	ending June 30, 1976, the following amounts, or so much thereof as	
6	may be necessary, to be used in the manner designated:	
7		1975-1976
8		<u>Fiscal Year</u>
9	1. IOWA STATE HISTORICAL DEPARTMENT	
10	a. State historical board:	
11	For per diem and expense of the board.....	\$ 15,000
12	b. Division of historical museum and archives:	
13	For salary, support, maintenance and miscellaneous purposes	
14	.....	\$275,560
15	c. Division of historic preservation:	
16	For salaries, support, maintenance and miscellaneous purposes	
17	.....	\$ 52,976
18	d. Division of the state historical society:	
19	For salaries, support, maintenance and miscellaneous purposes	
20	.....	\$303,202
21	2. IOWA LIBRARY DEPARTMENT	
22	a. Law library division:	
23	For salaries, support, maintenance and miscellaneous purposes	
24	.....	\$143,108
25	b. Medical library division:	
26	For salaries, support, maintenance and miscellaneous purposes	
27	.....	\$ 85,568
28	c. State library commission:	
29	For salaries, support, maintenance and miscellaneous purposes	
30	.....	\$275,136
31	d. Regional library system:	
32	For state aid.....	\$630,767
33	3. IOWA STATE ARTS COUNCIL	
34	For salaries, support, maintenance and miscellaneous purposes	
35	.....	\$196,777
36	4. IOWA ACADEMY OF SCIENCE	
37	To supplement publication costs.....	\$ 8,000

1 SEC. 2.

2 1. All federal grants to and the federal receipts of the agencies ap-
3 propriated funds under this Act are appropriated for the purposes set
4 forth in such federal grants or receipts.

5 2. It is the legislative intent to fund the regional library system with
6 a combination of state and federal funds in the total amount of thirty
7 cents per capita.

1 SEC. 3. Moneys appropriated by this Act shall not be used for capi-
2 tal improvements.

1 SEC. 4. Notwithstanding the provisions of section eight point thirty-
2 three (8.33) of the Code, all unencumbered or unobligated balances
3 of appropriations made by this Act for the fiscal year beginning July
4 1, 1975 remaining on June 30, 1976 shall revert to the general fund on
5 August 31, 1976. In all other respects the provisions of section eight
6 point thirty-three (8.33) of the Code shall apply to this Act.

1 SEC. 5. Section three hundred three A point six (303A.6), unnum-
2 bered paragraph one (1), Code 1975, is amended to read as follows:
3 The Iowa library department shall include but not be limited to the
4 medical library division and, the law library division, and the military
5 library division.

1 SEC. 6. Section three hundred three A point six (303A.6), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The military library division shall be headed by
4 the adjutant general. The adjutant general shall:

- 5 a. Operate the military library division which shall be maintained in
6 the memorial hall at Camp Dodge and which shall be available for free
7 use by the residents of Iowa under such reasonable rules as the commis-
8 sion may adopt.
9 b. Maintain as an integral part of the military library documents,
10 reports, records, and books which describe the history of the national
11 guard and individual Iowans who have served in the armed services.
12 c. Perform such other duties related to the military library as may
13 be imposed by law or by rules of the commission.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 7

HEALTH DEPARTMENT

H. F. 887

AN ACT making an appropriation to the state department of health to finance programs sub-
ject to administration by the department.

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 to the state department of health for the programs designated the fol-
3 lowing amounts, or so much thereof as is necessary:

	Fiscal Year
	<u>1975-76</u>
4	
5	
6	
7	
8	
1. CENTRAL ADMINISTRATION	
For salaries, support, maintenance, and miscellaneous purposes	
.....	\$335,023

9	2. HEALTH FACILITIES SERVICES	
10	For salaries, support, maintenance, and miscellaneous purposes	
11	.....	421,080
12	3. PREVENTIVE MEDICAL SERVICE	
13	For salaries, support, maintenance, and miscellaneous services	
14	.....	518,853
15	4. RECORDS AND STATISTICAL DIVISION	
16	For salaries, support, maintenance, and miscellaneous purposes	
17	.....	262,198
18	5. LICENSING AND CERTIFICATION DIVISION	
19	a. For general administration	23,847
20	b. For the board of barber examiners	67,791
21	c. For the board of cosmetology examiners	91,196
22	d. For the board of funeral director and embalmer examiners	
23	.....	12,300
24	e. For the state board of examiners for nursing home administrators	
25	.....	16,300
26	f. For the board of dental examiners	26,100
27	g. For the board of chiropractic examiners	20,716
28	h. For the board of optometry examiners	13,240
29	i. For the board of physical therapy examiners	5,650
30	j. For the board of examiners for the licensing and regulation of	
31	hearing aid dealers	5,000
32	k. For the board of podiatry examiners	3,600
33	l. For the board of psychology examiners	5,000
34	6. GENERAL HEALTH SERVICES	
35	a. For salaries, support, maintenance, and miscellaneous purposes	
36	.....	332,732
37	b. For the renal disease program	364,444
38	c. For the family planning program	50,000
39	7. COMMUNITY HEALTH SERVICES	
40	a. For salaries, support, maintenance, and miscellaneous purposes	
41	.....	132,658
42	b. For emergency medical services	20,000
43	c. For service program for the deaf	20,000

1 SEC. 2.

2 1. Funds appropriated by this Act may be used for educational leave
3 if approved by the Iowa merit employment commission and the gover-
4 nor.

5 2. Funds appropriated by this Act shall also be used for the sickle
6 cell anemia testing program established pursuant to chapter one
7 hundred forty-one (141) of the Code.

1 SEC. 3. All unencumbered or unobligated balances of appropria-
2 tions made by paragraph b of subsection seven (7) of section one (1) of
3 this Act shall revert to the general fund on September 30, 1977. In all
4 other respects the provisions of section eight point thirty-three (8.33) of
5 the Code shall apply to this Act.

1 SEC. 4. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such federal grants or receipts.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code.

CHAPTER 8

EMPLOYMENT SECURITY, INDUSTRIAL COMMISSIONER,
LABOR BUREAU AND P.E.R.B.

H. F. 890

AN ACT appropriating funds for the financing of programs under the administration of the Iowa employment security commission, the industrial commissioner, the bureau of labor, the occupational safety and health review commission and the public employment relations board and relating to fees collected by the bureau of labor.

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 for the following agencies the following amounts or so much thereof as
3 is necessary, for the fiscal year designated to be used in the manner
4 designated:

	1975-1976 <u>Fiscal Year</u>
5	
6	
7	1. IOWA EMPLOYMENT SECURITY COMMISSION
8	For salaries, support, maintenance and miscellaneous purposes for
9	the administration of chapter ninety-seven (97) and chapter ninety-
10	seven C (97C) and section two hundred ninety-four point fifteen
11	(294.15) of the Code..... \$ 99,056
12	2. INDUSTRIAL COMMISSIONER
13	For salaries, support, maintenance and miscellaneous purposes.....
14	..... \$260,102
15	3. BUREAU OF LABOR
16	For salaries, support, maintenance and miscellaneous purposes in-
17	cluding the establishment of an on-site consultative occupational safe-
18	ty and health inspection program.....\$765,897
19	For not more than two employees to be used for implementation of
20	House File 351..... \$ 15,000
21	4. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
22	For salaries, support, maintenance and miscellaneous purposes.....
23	..... \$ 33,549
24	5. PUBLIC EMPLOYMENT RELATIONS BOARD
25	For salaries, support, maintenance and miscellaneous purposes.....
26	..... \$379,418

1 SEC. 2. Section eighty-eight A point four (88A.4), Code 1975, is
2 amended to read as follows:

3 **88A.4 Permit and inspection fees.** Annual inspection fees under
4 this chapter shall be as follows:

- 5 1. Permit fees, ~~five~~ *ten* dollars per year.
- 6 2. Mechanical and electrical inspection fees for amusement rides and
7 devices, ~~thirty-five~~ *forty* dollars for each inspection.
- 8 3. Electrical inspection of concessions, booths, and amusement de-
9 vices fees, ~~ten~~ *fifteen* dollars each.
- 10 4. Special inspectors authorization fee, two dollars each. The special
11 inspectors authorization shall allow a person to perform inspections
12 only on rides, devices, and concession booths of an operator who makes
13 the request for the special inspectors authorization.

1 SEC. 3. Section eighty-nine point six (89.6), subsection one (1),
2 Code 1975, is amended to read as follows:

- 3 1. The inspection required by this chapter shall not be made by the
4 state boiler inspector where any owner or user of any equipment speci-
5 fied by this chapter obtains an inspection by a representative of repu-

6 table insurance company and obtains a policy of insurance from said
7 company upon said equipment.

8 The insurance company shall file a certificate of inspection on forms
9 approved by the commissioner of labor stating that such equipment is
10 insured and that inspection shall be made in accordance with section
11 89.2. Upon such showing and the payment of a fee of ~~two~~ five dollars
12 the commissioner of labor shall issue a certificate of inspection by the
13 bureau of labor which shall be valid only for the period specified in
14 section 89.2.

15 Upon such showing and the payment of a fee of ~~two~~ five dollars for
16 each one-year inspection and ~~four~~ ten dollars for each two-year inspec-
17 tion, the commissioner of labor shall issue a certificate of inspection by
18 the bureau of labor, which shall be valid only for the period specified
19 in section 89.2.

1 SEC. 4. Section eighty-nine point seven (89.7), subsection six (6),
2 Code 1975, is amended to read as follows:

3 6. If at any time the owner, user or agent of the owner of a steam
4 boiler or equipment within the state shall desire a special inspection of
5 any boiler or equipment, it shall be made by the boiler inspection de-
6 partment after due request therefor, and the inspector making the in-
7 spection shall collect a fee of ~~ten~~ twenty dollars for each boiler,
8 together with his expenses in connection therewith.

1 SEC. 5. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such federal grants or receipts.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 9

SOCIAL SERVICES

H. F. 895

AN ACT making an appropriation to the department of social services and divisions of the department for the purpose of funding social service programs and providing for their administration.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
3 the department of social services and its divisions, the following
4 amounts, or so much thereof as may be necessary, to be used for the
5 purposes designated:

	1975-1976 <u>Fiscal Year</u>
6	
7	
8 1. LOCAL SERVICE AND ADMINISTRATION	
9 a. For the administration of district and local offices including sala-	
10 ries and support.....	\$ 7,356,163
11 b. The department of social services may use not to exceed six	
12 hundred thousand (600,000) dollars of the appropriation made by this	
13 subsection for additional child protection workers in the county offices	

14 and may expend not exceeding two hundred sixty-nine thousand nine
15 hundred thirty (269,930) dollars for additional temporary personnel in
16 the county offices to aid in administering the large caseload currently
17 being experienced.

18 2. GENERAL ADMINISTRATION

19 a. For salaries, support, maintenance and miscellaneous purposes
20 \$ 3,703,630

21 b. For equipment to be allocated by the commissioner of social ser-
22 vices to agencies, divisions, and institutions under the control of the
23 department on a need basis \$ 269,930

24 c. For payment of the state's share of unemployment benefit claims
25 \$ 342,000

26 d. For payment of institution patient labor in compliance with the
27 United States Fair Labor Standards Act \$ 750,000

28 3. FAMILY AND CHILDREN SERVICES

29 For the operation of the following institutions:

30 a. State juvenile home at Toledo \$ 1,447,716

31 b. Boy's training school at Eldora \$ 2,700,275

32 c. Girl's training school at Mitchellville \$ 924,573

33 d. Iowa veterans home at Marshalltown \$ 4,340,952

34 4. ADULT CORRECTIONS SERVICES—FOR COMMUNITY BASED CORRECTIONAL
35 PROGRAMS AND SERVICES:

36 a. To provide assistance in the establishment and operation of com-
37 munity based correctional programs and services \$ 625,000

38 b. It is the intent of the general assembly in making the appropri-
39 ation in paragraph a of this subsection that community based programs
40 throughout the state should be locally controlled and coordinated to
41 generate community support and resources for an effective program. As
42 far as is practicable, the department of social services shall promote lo-
43 cal community control of programs within the guidelines of a contrac-
44 tual relationship with the department of social services.

45 5. ADULT CORRECTIONS SERVICES—FOR PERSONNEL AND OPERATION OF THE
46 FOLLOWING INSTITUTIONS:

47 a. For the employment of correctional officers and for educational
48 purposes to be used by the commissioner of social services on a need
49 basis \$ 355,000

50 b. Luster Heights camp at McGregor \$ 142,241

51 c. Iowa state penitentiary at Fort Madison \$ 5,297,557

52 d. Men's reformatory at Anamosa \$ 4,065,665

53 e. Women's reformatory at Rockwell City \$ 608,919

54 f. Iowa security medical facility at Oakdale \$ 1,951,692

55 g. Riverview release center at Newton \$ 819,209

56 6. INCOME MAINTENANCE AND CONTRACTUAL SERVICES

57 a. For aid to the blind \$ 40,000

58 b. For aid to the dependent children \$38,280,000

59 c. For aid to Indians residing on a settlement \$ 45,000

60 d. For medical assistance \$37,112,000

61 e. For contractual services-medical carrier \$ 800,000

62 f. For foster care and group homes \$ 7,000,000

63 g. For subsidized adoptions \$ 150,000

64 h. For work and training programs \$ 400,000

65 i. For adult and children services \$ 1,300,000

66 j. For homemaker services \$ 300,000

67 k. For state supplementary assistance \$ 5,000,000

68 It is the intent of the general assembly in making the appropriation
69 by this paragraph for state supplementary assistance that the depart-
70 ment of social services shall implement as soon as possible a cost relat-

71 ed system for financial supplementation to individuals who need
 72 custodial care and who have insufficient resources to purchase the care
 73 needed. The department of social services shall report to the subcom-
 74 mittee on human resources of the committees on appropriations by
 75 January 15, 1976 in regard to the progress achieved in implementing
 76 this cost related system. In addition it is the intent of the general as-
 77 sembly that eleven dollars per day shall be the maximum reimburse-
 78 ment of allowable cost for custodial care.

79	1.	For state supplementary assistance for the blind.....	\$ 260,000
80	m.	For assistance to child care centers.....	\$ 500,000
81	n.	For child support recoveries.....	\$ 134,000
82	o.	For the governor's youth opportunity program.....	\$ 750,000

1 SEC. 2. There is appropriated from the general fund of the state for
 2 the fiscal year beginning July 1, 1975 and ending June 30, 1976 to the
 3 department of social services for the following named institutions and
 4 hospital schools, the following amounts, or so much thereof as may be
 5 necessary:

6	a.	For the mental health institute at Cherokee.....	\$ 4,995,801
7	b.	For the mental health institute at Clarinda.....	\$ 4,233,735
8	c.	For the mental health institute at Independence.....	\$ 5,036,360
9	d.	For the mental health institute at Mount Pleasant....	\$ 4,040,176
10	e.	For the Glenwood state hospital-school.....	\$ 7,925,705
11	f.	For the Woodward state hospital-school.....	\$ 7,987,092

12 2. The state mental health institutes daily per diem as determined
 13 pursuant to section two hundred thirty point twenty (230.20) of the
 14 Code shall be billed at eighty percent for the fiscal year. This subsec-
 15 tion shall be of no force and effect if House File one hundred eighty-
 16 seven (187) of the Sixty-sixth General Assembly becomes law prior to or
 17 during the period for which this Act is in effect.

18 3. Hospital-school charges to counties.

19 a. The state hospital-schools' per-patient-per-day cost as determined
 20 pursuant to section two hundred twenty-two point seventy-three
 21 (222.73) of the Code shall be billed at eight* percent for the fiscal year,
 22 except as otherwise provided by paragraph b of this subsection.

23 b. If more than twenty percent of the cost of a patient's care is ini-
 24 tially paid from any source other than state-appropriated funds, the
 25 amount so paid shall be subtracted from the per-patient-per-day cost of
 26 that patient's care computed pursuant to section two hundred twenty-
 27 two point seventy-three (222.73) of the Code and the patient's county
 28 of legal settlement shall be billed for the full balance of the cost so
 29 computed.

30 c. If House File one hundred eighty-seven (187) of the Sixty-sixth
 31 General Assembly becomes law prior to or during the period for which
 32 this Act is in effect, paragraph a of this subsection shall be of no force
 33 and effect but the provisions of paragraph b shall take precedence over
 34 any conflicting provision of House File one hundred eighty-seven
 35 (187).

1 SEC. 3.

2 1. All institutional receipts of the department of social services shall
 3 be deposited in the general fund except rentals charged to employees
 4 or others for room, apartment, or house and meals, which shall be
 5 available to the institutions, and except for receipts from farm prod-
 6 ucts which shall be used for necessary farm expenses and repair.

7 2. If approved by the commissioner of social services, the depart-
 8 ment may use appropriated funds for the granting of education leave.

*According to enrolled Act

1 SEC. 4. Each hospital-school shall, upon receipt of any payment
2 made under chapter two hundred forty-nine A (249A) of the Code for
3 the care of any patient, segregate in a special account an amount equal
4 to that portion of the payment which is required by law to be made
5 from nonfederal funds. The money segregated in the special account
6 shall be deposited in the medical assistance fund of the department of
7 social services at the end of each calendar quarter of the fiscal year.

1 SEC. 5. Chapter two hundred seventeen (217), Code 1975, is amend-
2 ed by adding the following new section:

3 **NEW SECTION. Legal services.** The commissioner of social services
4 pursuant to a state plan funded in part by the federal government may
5 provide services for eligible persons by contract with nonprofit legal
6 aid organizations.

1 SEC. 6. Section two hundred twenty-two point seventy-three
2 (222.73), Code 1975, is amended by adding the following new unnum-
3 bered paragraph:

4 **NEW UNNUMBERED PARAGRAPH.** After computing the charge to the
5 county on behalf of each patient, the hospital-school shall reduce the
6 charge by the amount of any money which has been received for that
7 patient's care from any source other than state-appropriated funds and
8 has not previously been credited against charges made to the patient's
9 county of legal settlement.

1 SEC. 7. Section two hundred twenty-two point eighty-five (222.85),
2 Code 1975, is amended by adding the following new unnumbered para-
3 graph:

4 **NEW UNNUMBERED PARAGRAPH.** Money paid to a hospital-school from
5 any source other than state-appropriated funds and intended to pay all
6 or a portion of the cost of care of a patient, which cost would otherwise
7 be paid from state or county funds or from the patient's own funds,
8 shall not be deemed money belonging to the patient for the purposes
9 of this section.

1 SEC. 8. Section two hundred forty-nine A point three (249A.3), sub-
2 section two (2), Code 1975, is amended by adding the following new
3 unlettered paragraph:

4 **NEW UNLETTERED PARAGRAPH.** Notwithstanding the provisions of this
5 subsection establishing priorities for individuals and families to receive
6 medical assistance, the department may determine within the priorities
7 listed in this subsection which persons shall receive medical assistance
8 based on income levels established by the department, subject to the
9 limitations provided in subsection four (4) of this section.

1 **SEC. 9. Legislative intent.**

2 1. It is the intent of the general assembly that the department of so-
3 cial services shall increase the maximum reimbursement for intermedi-
4 ate care facilities to nineteen dollars per day.

5 2. It is the intent of the general assembly that if it is determined
6 there is sufficient funds within the limits of the funds appropriated for
7 medical assistance, the department of social services shall expand the
8 medical assistance program to offer only the six basic services to all or
9 a portion of those individuals who would otherwise qualify for cate-
10 gorical assistance except for income.

11 3. It is the intent of the general assembly in making appropriations
12 to the Glenwood state hospital-school and the Woodward state hospi-
13 tal-school that the department of social services will move towards the
14 development of the two hospital-schools as intermediate care facilities

15 for the mentally retarded. It is also the intent of the general assembly
 16 to direct the department of social services to amend Iowa's Title nine-
 17 teen (XIX) medicaid state plan to include mentally retarded individu-
 18 als who reside in intermediate care facilities for the mentally retarded.

1 SEC. 10. All federal grants to and the federal receipts of the agen-
 2 cies appropriated funds under this Act are appropriated for the purpos-
 3 es set forth in such federal grants or receipts.

1 SEC. 11. Funds appropriated by this Act shall not be used for capi-
 2 tal improvements, except funds appropriated in section one (1), subsec-
 3 tion six (6), paragraph m of this Act.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 10

COMMISSION ON AGING, DRUG ABUSE AND ALCOHOLISM

S. F. 572

AN ACT making an appropriation for and relating to social service programs including aging, drug abuse, and alcoholism 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 state
 2 for the following agencies the following amounts, or so much thereof as
 3 is necessary, for the fiscal year beginning July 1, 1975 and ending June
 4 30, 1976, to be used in the manner designated:

	1975-76
	<u>Fiscal year</u>
7 1. COMMISSION ON AGING	
8 For salaries, support, maintenance and miscellaneous purposes.....	
9	\$ 62,121
10 2. IOWA DRUG ABUSE AUTHORITY	
11 a. For salaries, support, maintenance and miscellaneous purposes	
12 and to supplement the appropriation in paragraph c of this subsection	
13 should the funds appropriated in paragraph c be insufficient for an an-	
14 nual contract with the state hygienic laboratory.....	\$ 68,711
15 b. For grants to local agencies.....	\$ 130,000
16 c. For an annual contract with state hygienic laboratory	
17	\$ 15,000
18 3. DIVISION ON ALCOHOLISM OF THE STATE DEPARTMENT OF HEALTH	
19 a. For salaries, support, maintenance and miscellaneous purposes	
20	\$ 72,413
21 b. For the purpose of entering into written agreements with one or	
22 more treatment units approved pursuant to section one hundred	
23 twenty-five point thirteen (125.13) of the Code only for treatment as	
24 defined in section one hundred twenty-five point twelve (125.12) of the	
25 Code on a regional basis according to the needs of each region defined	
26 in the division's state plan	\$1,200,000
27 Included in the state's seventy-five percent share for cost of treat-	

28 ment shall be federal funds received for treatment purposes at the state
29 level.

30 c. For the purpose of carrying out research into the cause of alcohol-
31 ism and experimentation in and evaluation of methods of treating and
32 rehabilitating alcoholics\$ 50,000

1 SEC. 2. There is appropriated from the general fund of the state for
2 the fiscal year beginning July 1, 1975, and ending June 30, 1976, to the
3 commission on aging the sum of one hundred ninety-six thousand
4 (196,000) dollars, or so much thereof as is necessary, for the area agen-
5 cies on aging for maintenance of current program effort and adminis-
6 trative expenditures of the area agencies. Area agencies shall be
7 eligible for both program and administrative funds, however an area
8 agency may not be excluded from program maintenance of effort
9 funds.

1 SEC. 3. There is appropriated to the governor's committee on em-
2 ployment of the handicapped for the fiscal year beginning July 1, 1975
3 and ending June 30, 1976 the following amount, or so much thereof as
4 is necessary, to be used in the manner designated:

5 For the governor's committee on the handicapped to be used for edu-
6 cational meetings jointly sponsored with the division of municipal af-
7 fairs-building code commission of the office for planning and
8 programming\$ 9,000

1 SEC. 4. Section one hundred twenty-five point twenty-eight
2 (125.28), Code 1975, is amended to read as follows:

3 **125.28 Counties to share cost.** Except as provided in section
4 125.26, counties shall pay for the remaining twenty-five percent of the
5 cost of the care, maintenance, and treatment of an alcoholic from the
6 county mental health and institutions fund as provided in section
7 444.12. ~~However, a county shall not expend from the county general~~
8 ~~fund or the county mental health and institutions fund, for programs~~
9 ~~implemented pursuant to sections 125.1 to 125.26, an amount in excess~~
10 ~~of the total amount spent from these funds by the county on alcohol-~~
11 ~~ism programs for the calendar year ending December 31, 1973, without~~
12 ~~the approval of the board of supervisors.~~ The commission shall estab-
13 lish guidelines for use by the counties in estimating the amount of ex-
14 pense which the county will incur each year. The facility shall certify
15 to the county of the alcoholic's legal settlement once each month twenty-
16 five percent of the unpaid cost of the care, maintenance, and treat-
17 ment of an alcoholic. Such county shall pay the cost so certified to the
18 facility from its county mental health and institutions fund. However,
19 the approval of the board of supervisors shall be required before pay-
20 ment is made by a county for costs incurred which exceed a total of
21 five hundred dollars for one year for treatment provided to any one al-
22 cholic or intoxicated person, except that such approval is not required
23 for the cost of treatment provided to an alcoholic or intoxicated person
24 who is committed pursuant to sections 125.18 and 125.19. A facility
25 may, upon approval of the board of supervisors, submit to a county a
26 billing for the aggregate amount of all care, maintenance, and treat-
27 ment of alcoholics for each month. The board of supervisors may de-
28 mand an itemization of such billings at any time or may audit the
29 same.

1 SEC. 5. Chapter two hundred forty-nine B (249B), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Area agencies.** The commission on aging may es-
4 tablish area agencies on aging for the planning and service areas devel-

5 oped by the office for planning and programming pursuant to the
6 "Older Americans Comprehensive Services Amendments of 1973",
7 United States Public Law ninety-three dash twenty-nine (93-29), sec-
8 tion three hundred four (304). An area agency may be merged with a
9 contiguous planning and service area but not without the approval of
10 each policy making body which is a party to the merger. Merged plan-
11 ning and service areas forming one area agency shall be governed by
12 only one policy making body. Funds appropriated pursuant to this Act
13 shall be allocated to each planning and service area for which an area
14 agency has been designated by the end of the funding period, and
15 shall be available for both program maintenance of effort and adminis-
16 trative expenditures.

1 SEC. 6.

2 1. Notwithstanding the provisions of section eight point thirty-nine
3 (8.39) of the Code, state funds shall not be transferred to, from, or
4 between categories or items of appropriations provided for in this Act.
5 2. All federal grants to and the federal receipts of the agencies ap-
6 propriated funds under this Act are appropriated for the purposes set
7 forth in such federal grants. Federal funds are not subject to subsection
8 one (1) of this section.

Approved June 30, 1975

CHAPTER 11

DEPARTMENTAL APPROPRIATIONS

H. F. 399

AN ACT to appropriate for programs under the jurisdiction of the Iowa commission for the blind, the bonus board, and the educational radio and television division of the department of general 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 state
2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 ex-
3 cept as provided in section two (2) of this Act, the following sums, or so
4 much thereof as may be necessary, to be used by the following agencies
5 for the purposes designated:

	1975-76 Fiscal Year
8 1. IOWA COMMISSION FOR THE BLIND	
9 For salaries, support, maintenance and miscellaneous purposes.....	
10	\$ 563,768
11 2. BONUS BOARD	
12 a. For the war orphans educational aid fund created by section	
13 thirty-five point eight (35.8) of the Code	\$ 34,000
14 b. For the service compensation fund	\$1,800,000
15 c. For salaries, support, maintenance and miscellaneous purposes of	
16 the bonus board	\$ 117,408
17 3. DEPARTMENT OF GENERAL SERVICES—EDUCATIONAL RADIO AND TELEVI-	
18 SION FACILITY	
19 a. Headquarters	
20 For salaries, support, maintenance and miscellaneous purposes.....	
21	\$ 659,562

22	b. Production	
23	For salaries, support, maintenance and miscellaneous purposes.....	
24	-----	\$ 497,313
25	c. Transmitter	
26	For salaries, support, maintenance and miscellaneous purposes.....	
27	-----	\$1,827,100

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, except funds appropriated
4 by paragraph b of subsection two (2) of section one (1) of this Act, for
5 the fiscal year beginning July 1, 1975 remaining on June 30, 1976 shall
6 revert to the general fund on August 31, 1976. In all other respects the
7 provisions of section eight point thirty-three (8.33) of the Code shall
8 apply to this Act. Unencumbered or unobligated balances of funds ap-
9 propriated by paragraph b of subsection two (2) of section one (1) of
10 this Act remaining on June 30, 1978 shall revert to the general fund on
11 September 30, 1978.

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

Approved April 28, 1975

CHAPTER 12

SERVICE COMPENSATION FUND

S. F. 133

AN ACT appropriating funds to the service compensation fund and providing a publication clause.

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 the sum of one million five hundred thousand (1,500,000) dollars, or so
3 much thereof as is necessary, for deposit in the service compensation
4 fund administered under the provisions of chapter thirty-five C (35C)
5 of the Code, to be used in the manner provided in chapter thirty-five
6 C (35C) of the Code.

1 SEC. 2. Funds appropriated by this Act are in addition to any oth-
2 er funds appropriated by the general assembly for such purposes.
3 Unencumbered funds appropriated by this Act which are available on
4 June 30, 1978 shall on that date revert to the general fund of the state.

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 Bloomfield Democrat, a newspaper published in Bloomfield, Iowa, and
4 in The Chariton Leader, a newspaper published in Chariton, Iowa.

Approved March 18, 1975

I hereby certify that the foregoing Act, Senate File 133, was published in The Bloomfield Democrat, Bloomfield, Iowa, March 27, 1975, and in The Chariton Leader, Chariton, Iowa, March 25, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 13

CITIZENS' AIDE

S. F. 563

AN ACT appropriating funds to the office of the citizens' aide.

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 to the office of citizens' aide for the fiscal year beginning July 1, 1975,
3 and ending June 30, 1976, the following amount, or so much thereof as
4 is necessary, to be used for the purposes designated:

5		1975-1976
6		<u>Fiscal Year</u>

7	For salaries, support, maintenance, and miscellaneous purposes	
8	-----	\$120,150

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

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 14

CIVIL RIGHTS

S. F. 427

AN ACT making an appropriation to the Iowa state civil rights 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 to the Iowa state civil rights commission for the fiscal year beginning
3 July 1, 1975 and ending June 30, 1976 the sum of two hundred forty-
4 nine thousand one hundred nineteen (249,119) dollars, or so much
5 thereof as is necessary, to be used for salaries, support, maintenance,
6 and miscellaneous purposes.

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

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 15

SUPPLEMENTARY APPROPRIATIONS

S. F. 550

AN ACT making supplementary appropriations to designated boards.

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

1 SECTION 1. There is appropriated and authorized to be expended
 2 for the following boards for the fiscal period commencing with the ef-
 3 fective date of this Act and ending June 30, 1975, the following
 4 amounts from the funds indicated, or so much thereof as is necessary,
 5 to be used for the following purposes:

	1974-75 Fiscal Year
8 1. From the state board of medical examiners fund for salaries, sup- 9 port, maintenance, equipment and miscellaneous purposes of the board 10 of medical examiners.....	\$5,800
11 2. From the chiropractic examining board fund for salaries, support, 12 maintenance, equipment, and miscellaneous purposes of the chiroprac- 13 tic examining board.....	\$3,300
14 3. From the state board of physical therapy examiners fund for sala- 15 ries, support, maintenance, equipment, and miscellaneous purposes of 16 the physical therapy examining board.....	\$1,660
17 4. From the fund of the board of engineering examiners for salaries, 18 support, maintenance, and miscellaneous purposes of the state board of 19 engineering examiners.....	\$3,000

1 SEC. 2. The funds appropriated by this Act shall be in addition to
 2 any other funds appropriated for the same purposes for the 1974-1975
 3 fiscal year by the general assembly. Funds appropriated by this Act
 4 shall revert to the general fund pursuant to section eight point thirty-
 5 three (8.33) 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 the Quad-
 3 City Times, a newspaper published in Davenport, Iowa, and in The
 4 Bancroft Register, a newspaper published in Bancroft, Iowa.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

I hereby certify that the foregoing Act, Senate File 550, was published in the Quad-City Times, Davenport, Iowa, July 10, 1975, and in The Bancroft Register, Bancroft, Iowa, July 9, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 16

COMMERCE COMMISSION AND PUBLIC DEFENSE

H. F. 334

AN ACT appropriating funds to the Iowa state commerce commission and the department of public defense and providing for the deposit of receipts of such departments in the general fund of the state.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 the
3 following sums, or so much thereof as may be necessary, to be used by
4 the following agencies for the purposes designated:

	1975-76 Fiscal Year
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	1. IOWA STATE COMMERCE COMMISSION
	a. General administration
	(1) For salaries\$243,002
	(2) For support, maintenance, and miscellaneous purposes.. 59,417
	b. Warehouse division
	(1) For salaries 217,261
	(2) For support, maintenance, and miscellaneous purposes.. 43,790
	c. Utilities division
	(1) For salaries 864,599
	(2) For support, maintenance, and miscellaneous purposes.. 219,759
	2. DEPARTMENT OF PUBLIC DEFENSE
	a. Military division
	(1) For salaries 782,488
	(2) For support, maintenance, and miscellaneous purposes.. 796,422
	b. Civil defense division
	(1) For salaries 57,828
	(2) For support, maintenance, and miscellaneous purposes.. 25,687

1 ***[SEC. 2.** Notwithstanding the provisions of section eight point
2 thirty-nine (8.39) of the Code, there shall be no transfer of funds ap-
3 propriated by this Act between categories or line items provided by this
4 Act.]

1 SEC. 3. Section twenty-nine A point fifty-eight (29A.58), unnum-
2 bered paragraph two (2), Code 1975, is amended to read as follows:

3 The armory board as lessor or sublessor may, for a term not to ex-
4 ceed twenty years, lease property under the control of the board for
5 purposes other than armory or military use when the leasing does not
6 interfere with the use of such property for military purposes. The rental
7 proceeds thereof shall be paid to the adjutant general for deposit in-
8 to funds appropriated for the support and maintenance of the national
9 guard the general fund of the state.

1 SEC. 4. Section four hundred eighty-nine point four (489.4), Code
2 1975, is amended to read as follows:

3 **489.4 Franchise—hearing.** The commission shall consider said
4 petition and any objections filed thereto in the manner hereinafter
5 provided. It shall examine the proposed route or cause any engineer se-
6 lected by it to do so. If a hearing is held on the petition it may hear
7 such testimony as may aid it in determining the propriety of granting
8 such franchise. It may grant such franchise in whole or in part upon
9 such terms, conditions, and restrictions, and with such modifications as

*See item veto message, page 26

10 to location and route as may seem to it just and proper. Before grant-
 11 ing such franchise, the commission shall make a finding that the pro-
 12 posed line or lines are necessary to serve a public use and represents a
 13 reasonable relationship to an overall plan of transmitting electricity in
 14 the public interest. No franchise shall become effective until the peti-
 15 tioners shall pay, or file an agreement to pay, all costs and expenses of
 16 the franchise proceeding, whether or not objections are filed, including
 17 costs of inspections or examinations of the route, hearing, salaries,
 18 publishing of notice, and any other expenses reasonably attributable
 19 thereto. *The funds received for the costs and the expenses of the*
 20 *franchise proceeding shall be remitted to the treasurer of state for*
 21 *deposit in the general fund 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 fiscal year beginning
 4 July 1, 1975 and ending June 30, 1976 shall revert to the general fund
 5 on August 31, 1976. In all other respects the provisions of section eight
 6 point thirty-three (8.33) of the Code shall apply to this Act.

1 SEC. 6. All federal grants to and the federal receipts of the agencies
 2 appropriated funds under this Act are appropriated for the purposes
 3 set forth in such federal grants or receipts.

*Approved April 28, 1975 except the item designated as Sec. 2 herein
 which is delineated with my reasons therefor in my veto message delivered
 to the Secretary of State this same date, the original of which is attached
 hereto, which I hereby disapprove.

s/ ROBERT D. RAY, Governor

See *Welden v. Ray*, NW 2d

CHAPTER 17

CONSERVATION COMMISSION

S. F. 506

AN ACT making an appropriation to the state conservation commission and divisions of 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 state
 2 and the funds indicated to the state conservation commission and its
 3 divisions for the fiscal year beginning July 1, 1975 and ending June 30,
 4 1976 the following amounts, or so much thereof as may be necessary, to
 5 be used for the following purposes:

6		1975-1976
7		<u>Fiscal Year</u>
8	1. DIVISION OF LANDS AND WATERS	
9	For deposit in the state conservation fund from the general fund of	
10	the state for salaries, support, maintenance, equipment and miscella-	
11	neous purposes of the division, maintenance of state parks, waters, and	
12	forests, prison labor programs and including not more than eight	
13	hundred eighty-three thousand two hundred fifteen (883,215) dollars	
14	which shall be available for the administration fund from the state	
15	conservation fund in compliance with the provisions of section one	
16	hundred seven point seventeen (107.17) of the Code.....	\$3,071,037

17	2. DIVISION OF FISH AND GAME	
18	From the state fish and game protection fund for salaries, support,	
19	maintenance, equipment and miscellaneous purposes, including not	
20	more than eight hundred eighty-three thousand two hundred fifteen	
21	(883,215) dollars, which shall be available from the state fish and game	
22	protection fund for the administration fund in compliance with the	
23	provisions of section one hundred seven point seventeen (107.17) of the	
24	Code.....	\$5,369,026
25	3. STATE ADVISORY BOARD FOR PRESERVES	
26	From the general fund of the state for salaries, support, mainte-	
27	nance, equipment and miscellaneous purposes for carrying out the du-	
28	ties of the board.....	\$ 22,540
29	4. LAND SURVEYS	
30	From the general fund of the state for land surveys to establish and	
31	identify the boundaries to state-owned land along the Missouri and	
32	Mississippi Rivers.....	\$ 40,000
33	5. MISSOURI AND MISSISSIPPI RIVER BASIN COMMISSIONS	
34	From the general fund of the state for the state's contribution for	
35	support of the Missouri and Mississippi River Basin Commissions	
36	.....	\$ 42,710

1 SEC. 2. There is appropriated from the marine fuel tax fund for the
2 fiscal year beginning July 1, 1975 and ending June 30, 1976 to the state
3 conservation commission, division of lands and waters, such amounts
4 of funds computed as provided in section three hundred twenty-four
5 point eighty-four (324.84) of the Code, which funds shall be deposited
6 in the state conservation fund for use in the state conservation
7 commission recreational boating program as provided in subsections
8 one (1) through five (5) of section three hundred twenty-four point
9 seventy-nine (324.79) of the Code. Notwithstanding section seven (7) of
10 this Act, the unencumbered or unobligated balances of funds
11 specifically allocated for capital projects shall not revert to the fund
12 from which appropriated until June 30, 1979.

1 SEC. 3. All receipts and refunds and reimbursements related to ac-
2 tivities funded by the administration fund are appropriated to the ad-
3 ministration fund. All refunds and reimbursements relating to ac-
4 tivities of the state fish and game protection fund shall be credited
5 to the state fish and game protection fund.

1 SEC. 4. The transfer of funds from the state conservation fund and
2 the state fish and game protection fund to the administration funds
3 shall not exceed the amounts specified in subsections one (1) and two
4 (2) of section one (1) of this Act.

1 SEC. 5.* The funds appropriated by subsection one (1) of section one
2 (1) of this Act shall, except for administration personnel, be used to
3 pay salaries and for support for a table of organization of not more
4 than one hundred fifty-nine permanent full-time positions. The funds
5 appropriated by subsection two (2) of section one (1) of this Act shall,
6 except for administration personnel, be used to pay salaries and sup-
7 port for a table of organization of not more than two hundred twenty-
8 eight permanent full-time positions. The funds appropriated by subsec-
9 tion three (3) of section one (1) of this Act shall be used to pay the sal-
10 ary and support for not more than one permanent full-time position.
11 The funds transferred for the administration fund pursuant to subsec-
12 tions one (1) and two (2) of section one (1) of this Act shall be used to

*Amended by ch 53 of these Acts

13 pay salaries and for support for a combined administration table of or-
 14 ganization for both the division of lands and waters and division of
 15 fish and game of not more than one hundred five permanent full-time
 16 positions.

1 SEC. 6. All federal grants to and the federal receipts of the state
 2 conservation commission are appropriated for the purposes set forth in
 3 such federal grants or receipts.

1 SEC. 7. Notwithstanding the provisions of section eight point thirty-
 2 three (8.33) of the Code, except as provided in section two (2) of this
 3 Act, all unencumbered or unobligated balances of appropriations made
 4 by this Act for the fiscal year beginning July 1, 1975 and ending June
 5 30, 1976 shall revert to the fund from which appropriated on August
 6 31, 1976. In all other respects the provisions of section eight point thirty-
 7 three (8.33) of the Code shall apply to this Act.

Approved June 3, 1975

CHAPTER 18

TRANSPORTATION DEPARTMENT FOR TOWING ABANDONED VEHICLES

H. F. 910

AN ACT making an appropriation to the department of transportation to be used to reimburse nonprofit civic leagues or organizations for towing expenses incurred in the collection of abandoned motor vehicles.

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 to the department of transportation for the fiscal year beginning July
 3 1, 1975 and ending June 30, 1976, the sum of ten thousand (10,000) dol-
 4 lars, or so much thereof as is necessary, to be used to reimburse non-
 5 profit civic leagues or organizations for towing expenses incurred prior
 6 to August 23, 1974 in the collection of abandoned motor vehicles, as
 7 defined in section three hundred twenty-one point eighty-nine (321.89)
 8 of the Code. Reimbursement shall be limited to one dollar for each
 9 mile that an abandoned motor vehicle was towed and shall not apply
 10 to expenses incurred in storing an abandoned motor vehicle. Claims for
 11 reimbursement shall be filed with the department of transportation be-
 12 fore January 1, 1976. No claims shall be paid until after the filing
 13 deadline. If the total amount of valid claims exceeds the appropriation
 14 made by this Act, the director of the department of transportation or a
 15 designee shall reimburse the applicants on a proportional basis.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 19

DAIRY INDUSTRY COMMISSION

S. F. 505

AN ACT to appropriate money from the dairy industry fund to the Iowa dairy industry commission.

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

1 SECTION 1.

2 1. There is appropriated from the dairy industry fund to the Iowa
3 dairy industry commission under chapter one hundred seventy-nine
4 (179) of the Code for the fiscal year beginning July 1, 1975 and ending
5 June 30, 1976, the following amounts, or so much thereof as may be
6 necessary, to be used for the following purposes:

	1975-76 <u>Fiscal Year</u>
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8	
9 For salaries, support, maintenance, equipment and miscellaneous	
10 purposes, excluding refunds, promotional, and research expenses.....	
11 -----	\$45,000

12 2. The remainder of the dairy industry fund is appropriated to be
13 used to pay refunds as provided by chapter one hundred seventy-nine
14 (179) of the Code and to pay promotional and research expenses
15 deemed appropriate by the dairy industry commission.

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 fiscal year beginning
4 July 1, 1975 remaining on June 30, 1976 shall revert to the dairy indus-
5 try fund on August 31, 1976. In all other respects the provisions of sec-
6 tion eight point thirty-three (8.33) of the Code shall apply to this Act.

Approved June 16, 1975

CHAPTER 20

REGULATORY BOARDS APPROPRIATION

H. F. 251

AN ACT making an appropriation from the general fund of the state to regulatory boards governing the practices of accountancy, architecture, engineering, watchmaking and landscape architecture, and amending certain Code sections relating to these boards.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
3 the following boards the following amounts, or so much thereof as may
4 be necessary, to be used for the following purposes:

5 1. BOARD OF ACCOUNTANCY	
6 For salaries, support, maintenance and miscellaneous purposes.....	
7 -----	\$91,573
8 2. BOARD OF ARCHITECTURAL EXAMINERS	
9 For salaries, support, maintenance and miscellaneous purposes.....	
10 -----	\$25,971

11	3. BOARD OF ENGINEERING EXAMINERS
12	For salaries, support, maintenance and miscellaneous purposes_____
13	----- \$67,091
14	4. BOARD OF WATCHMAKING EXAMINERS
15	For salary, support, maintenance and miscellaneous purposes \$ 8,849
16	5. BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS
17	For salary, support, maintenance and miscellaneous purposes \$ 7,882

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

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

1 SEC. 4. Notwithstanding the provisions of section eight point thir-
2 ty-three (8.33) of the Code, all unencumbered or unobligated balances
3 of appropriations made by this Act for the fiscal year commencing Ju-
4 ly 1, 1975 shall on August 31, 1976 revert to the state treasury and to
5 the credit of the general fund of the state.

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 fiscal year.

1 SEC. 6. Section one hundred fourteen point nine (114.9), Code 1975,
2 is amended to read as follows:

3 **114.9 Organization of the board—meetings—quorum.** The
4 board shall elect annually from its members a chairman and a vice-
5 chairman. The board shall employ a secretary whose salary shall be set
6 established by the ~~general assembly~~ *governor with the approval of*
7 *the executive council pursuant to section nineteen A point nine*
8 *(19A.9), subsection two (2), of the Code under the pay plan for ex-*
9 *empt positions in the executive branch of government.* The board
10 shall hold at least one meeting at the seat of government, and meet-
11 ings shall be called at other times by the secretary at the request of the
12 chairman or four members of the board. At any meeting of the board,
13 a majority of members shall constitute a quorum. The board shall have
14 power to employ such legal, technical and clerical assistants and incur
15 such expense as may be necessary to properly carry out the provisions
16 of this chapter within the limits of funds appropriated to the board.

1 SEC. 7. Section one hundred sixteen point three (116.3), subsection
2 two (2), unnumbered paragraph seven (7), Code 1975, is amended to
3 read as follows:

4 The board may employ such personnel and arrange for such assis-
5 tance as it may require for the performance of its duties. *The board*
6 *may employ a secretary whose salary shall be established by the*
7 *governor with the approval of the executive council pursuant to sec-*
8 *tion nineteen A point nine (19A.9), subsection two (2), of the Code*
9 *under the pay plan for exempt positions in the executive branch of*
10 *government.*

1 SEC. 8. Section one hundred eighteen point two (118.2), Code 1975,
2 is amended to read as follows:

3 **118.2 Officers.** During the month of July of each year the board
4 shall elect from its members a president, *and* vice president, ~~and secre-~~
5 ~~tary.~~ The duties of the officers shall be such as are usually performed
6 by such officers. At least one meeting of the board, except as provided
7 in section 118.13, shall be held at the seat of government. *The board*

8 *may employ a secretary whose salary shall be established by the*
 9 *governor with the approval of the executive council pursuant to sec-*
 10 *tion nineteen A point nine (19A.9), subsection two (2), of the Code*
 11 *under the pay plan for exempt positions in the executive branch of*
 12 *government.*

1 SEC. 9. Section one hundred eighteen A point four (118A.4), Code
 2 1975, is amended to read as follows:

3 **118A.4 Organization of the board—meetings—quorum.** The
 4 board shall elect annually from its members a chairman, *and* vice
 5 chairman ~~and secretary~~. The duties of the officers shall be such as are
 6 usually performed by such officers. The board shall hold at least one
 7 meeting each year at the seat of government, and meetings shall be
 8 called at other times by the secretary at the request of the chairman or
 9 four members of the board. A majority of the members shall constitute
 10 a quorum. No action at any meeting can be taken without the affirma-
 11 tive votes of a majority of the members of the board.

1 SEC. 10. Section one hundred eighteen A point five (118A.5), Code
 2 1975, is amended to read as follows:

3 **118A.5 Duties.** The board shall enforce the provisions of sections
 4 118A.1 to 118A.21 and may employ technical and clerical assistants
 5 and incur such expense as may be necessary within the limits of funds
 6 appropriated to the board. *The board may employ a secretary whose*
 7 *salary shall be established by the governor with the approval of the*
 8 *executive council pursuant to section nineteen A point nine*
 9 *(19A.9), subsection two (2), of the Code under the pay plan for ex-*
 10 *empt positions in the executive branch of government.* The board
 11 shall make rules for the examination of applicants for the certificate of
 12 registration, and shall, after public notice, conduct examinations of ap-
 13 plicants for registration. The board shall keep a record of its proceed-
 14 ings. The board shall adopt and have an official seal which shall be
 15 affixed to all certificates of registration granted and the board may
 16 make such other rules, not inconsistent with law, necessary for the
 17 proper performance of its duty. The board shall maintain a roster
 18 showing the name, place of business and residence, and the date and
 19 number of the certificate of registration of every registered landscape
 20 architect in this state.

1 SEC. 11. Section one hundred twenty point three (120.3), subsection
 2 two (2), Code 1975, is amended to read as follows:

3 2. The board shall choose, annually, one of its members as chairman
 4 ~~and one as secretary~~ who shall ~~severally~~ have power to administer
 5 oaths and take affidavits, certifying thereto under the seal of the
 6 board. The board shall meet as often as deemed necessary by the chair-
 7 man or a majority of the board and shall meet at least one time per
 8 year at the seat of government. A majority of the board shall consti-
 9 tute a quorum. *The board may employ a secretary whose salary shall*
 10 *be established by the governor with the approval of the executive*
 11 *council pursuant to section nineteen A point nine (19A.9), subsec-*
 12 *tion two (2), of the Code under the pay plan for exempt positions in*
 13 *the executive branch of government.* The secretary shall give bond in
 14 the sum of five thousand dollars. The secretary shall keep a full record
 15 of the proceedings of the board which shall be open for inspection at
 16 all reasonable times. Members of the board shall set their own per diem
 17 compensation at a rate not exceeding forty dollars per day for each
 18 day actually engaged in the discharge of their duties, and they shall
 19 be paid their actual traveling expenses within the limits of funds ap-

20 appropriated to the board; the secretary in addition to such per diem and
 21 expenses may be paid annually a salary to be fixed by the general as-
 22 sembly.

Approved March 14, 1975

CHAPTER 21

COMMISSION ON STATUS OF WOMEN, PAROLE BOARD

S. F. 282

AN ACT making an appropriation to the commission on the status of women and the board of parole and relating to the creation of a parolee security fund.

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

1 SECTION 1. There is appropriated from the general fund of the state
 2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 the
 3 following amounts, or so much thereof as is necessary, for use of the
 4 agencies designated:

	1975-76 Fiscal Year
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1 SEC. 2. There is created within the office of the treasurer of state a
 2 fund to be known as the parolee security fund. There is transferred to
 3 the parolee security fund moneys presently in the custody of the execu-
 4 tive secretary of the board of parole which moneys represent funds
 5 which were deposited as a bond to pay transportation costs which
 6 would be incurred if parolees who were allowed to leave this state vio-
 7 lated the terms of their parole. The executive secretary of the board of
 8 parole may draw warrants against the parolee security fund to pay
 9 transportation costs incurred in returning parole violators from other
 10 states if funds in the parolee security fund were deposited as a bond
 11 for such a parolee, and may draw warrants to refund moneys deposited
 12 by a parolee or on the parolee's behalf when the term of parole expires.
 13 Unencumbered funds remaining in the parolee security fund as of June
 14 30, 1980 shall revert to the general fund of the state. If a person shall
 15 establish after June 30, 1980 a valid claim to funds which were deposit-
 16 ed in the parolee security fund, the amount of the claim may be re-
 17 funded to the claimant by the state appeal board in the same manner
 18 as provided for refunds of fees paid to the state in section twenty-five
 19 point two (25.2) of the Code.

1 SEC. 3. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, unencumbered or unobligated funds
 3 remaining on June 30, 1976 from funds appropriated by this Act shall
 4 revert to the general fund of the state on August 31, 1976.

1 SEC. 4. All federal grants to and the federal receipts of the agencies
2 receiving funds under this Act are appropriated for the purposes set
3 forth in such federal grants or receipts.

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 22

SPANISH-SPEAKING PERSONS STUDY

S. F. 504

AN ACT making an appropriation to continue a study of the problems of spanish-speaking persons.

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

1 SECTION 1. Chapter one thousand seventy-seven (1077), section one
2 (1), Acts of the Sixty-fifth General Assembly, 1974 Session, is amended
3 to read as follows:

4 Section 1. There is appropriated from the general fund of the
5 state for the fiscal ~~year~~ *period* beginning July 1, 1974 and ending ~~June~~
6 ~~30 December 31, 1975~~ to the office of the governor the sum of thirty-
7 nine thousand (39,000) dollars, or so much thereof as may be necessary,
8 to conduct a study of the problems of Spanish-speaking persons in the
9 areas of education, employment, health, housing, welfare, and recre-
10 ation and to coordinate and establish services to Spanish-speaking per-
11 sons.

1 SEC. 2. Chapter one thousand seventy-seven (1077), section two (2),
2 Acts of the Sixty-fifth General Assembly, 1974 Session, is amended to
3 read as follows:

4 Sec. 2. Unencumbered funds as of ~~June 30~~ *November 30, 1975* shall
5 revert to the general fund of the state on ~~August 31, 1975~~ *December*
6 *31, 1975*.

1 SEC. 3. There is appropriated from the general fund of the state for
2 the fiscal period commencing July 1, 1975 and ending December 31,
3 1975 to the office of governor the sum of ten thousand (10,000) dollars,
4 or so much thereof as may be necessary, to complete the study of the
5 problems of Spanish-speaking persons in the areas of education, em-
6 ployment, health, housing, welfare, and recreation and to coordinate
7 and establish services to Spanish-speaking persons. Unencumbered
8 funds as of December 31, 1975 shall revert to the general fund of the
9 state on March 1, 1976.

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 23

LEGISLATIVE COUNCIL

S. F. 584

AN ACT making an appropriation for per diem and expenses of the legislative council, legislative fiscal committee, and special interim study committees and providing for administration of the funds appropriated.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 the
 3 following amounts, or so much thereof as is necessary, for use of the
 4 agencies and for the purposes designated:
 5 1. LEGISLATIVE COUNCIL
 6 For payment of per diem and expenses of members of the legislative
 7 council and special interim study committees \$86,000
 8 2. LEGISLATIVE FISCAL COMMITTEE
 9 For payment of per diem and expenses of members of the legislative
 10 fiscal committee..... \$25,000

1 SEC. 2. Section two point sixty-six (2.66), Code 1975, is amended to
 2 read as follows:

3 **2.66 Office and supplies—expenses.** The office of the service
 4 bureau shall be located in the statehouse. Supplies, postage, and
 5 equipment may be requisitioned from the ~~executive council department~~
 6 *of general services*. ~~Per diem and expenses~~ *Expenses* of the leg-
 7 ~~islative council, special interim study committees, and~~ service bureau
 8 shall be paid upon the approval of the director of the bureau and, if
 9 an extraordinary expense, upon the approval of the legislative council
 10 or its chairman. *Funds appropriated for per diem and expenses of*
 11 *the legislative council, legislative fiscal committee, and special in-*
 12 *terim study committees shall be paid and administered in the man-*
 13 *ner provided by the legislative council.*

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 24

GOVERNOR, LIEUTENANT GOVERNOR, PLANNING AND PROGRAMMING AND
COUNCIL OF STATE GOVERNMENTS

H. F. 889

AN ACT appropriating funds to the governor, lieutenant governor, office for planning and programming and the council of state governments.

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 to the following departments for the fiscal year beginning July 1, 1975
 3 and ending June 30, 1976 the following amounts, or so much thereof as

4	may be necessary, to be used for the following purposes:	
5		1975-1976
6		<u>Fiscal Year</u>
7	1. GOVERNOR	
8	a. For salaries, support, maintenance and miscellaneous purposes	
9	.....	\$349,318
10	b. For governor's expense connected with office.....	\$ 5,000
11	2. LIEUTENANT GOVERNOR	
12	For the lieutenant governor's compensation and expenses as provid-	
13	ed in subsection two (2) of section two point ten (2.10) of the Code in-	
14	cluding service as a member of the legislative council and for per diem	
15	and expenses incurred by him while performing duties of the lieuten-	
16	ant governor when the general assembly is not in session, including	
17	travel, postage and staff assistance	\$ 62,170
18	3. OFFICE FOR PLANNING AND PROGRAMMING	
19	a. For salaries, support, maintenance and miscellaneous purposes for	
20	not to exceed forty-eight permanent full-time positions funded all or in	
21	part with state funds excluding the state building code and municipal	
22	planning assistance programs	\$348,935
23	b. For salaries, support, maintenance and miscellaneous purposes for	
24	the state building code.....	\$123,890
25	c. For municipal planning assistance.....	\$ 25,000
26	d. Any balance of the appropriation for municipal planning assist-	
27	ance remaining at the end of the fiscal year shall carry forward to June	
28	30, 1978.	
29	4. COUNCIL OF STATE GOVERNMENTS	
30	For support of the council of state governments.....	\$ 47,240
1	SEC. 2. All federal grants to and the federal receipts of the agencies	
2	appropriated funds under this Act are appropriated for the purposes	
3	set forth in such federal grants or receipts.	
1	SEC. 3. Funds appropriated by this Act shall not be used for capital	
2	improvements.	

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 25

MOTOR FUEL TAX APPROPRIATION

S. F. 565

AN ACT relating to administration of chapter three hundred twenty-four (324) of the Code and the motor vehicle use tax program and appropriating funds from the motor vehicle fuel tax fund to the department of revenue for such purposes.

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

1 SECTION 1. There is appropriated from the motor vehicle fuel tax
 2 fund to the department of revenue for the fiscal year beginning July 1,
 3 1975 and ending June 30, 1976 the sum of one million sixty-four thou-
 4 sand six hundred fifty-nine (1,064,659) dollars, or so much thereof as

5 may be necessary, for salaries, support, maintenance and miscellaneous
 6 purposes for administration and enforcement of the provisions of chap-
 7 ter three hundred twenty-four (324) of the Code and the motor vehicle
 8 use tax program and providing that the department of revenue shall
 9 present to the 1976 session of the general assembly committees on ap-
 10 propriations a formula, drafted according to generally accepted cost ac-
 11 counting procedures accompanied by documentation to substantiate its
 12 authenticity, to determine the direct and indirect costs used in arriving
 13 at the budget request.

1 SEC. 2. Section three hundred twenty-four point thirty-six (324.36),
 2 Code 1975, is amended by striking subsection four (4).

1 SEC. 3. Section three hundred twenty-four point thirty-six (324.36),
 2 Code 1975, subsection five (5), is amended to read as follows:

3 5. Issuance. Upon receipt of the application ~~and bond in proper~~
 4 ~~form~~, the department of revenue shall issue to the applicant a license
 5 to act as a special fuel dealer or a special fuel user; provided, however,
 6 the department of revenue may refuse to issue a special fuel dealer's li-
 7 cense or a special fuel user's license to any person: (a) Who formerly
 8 held either type of license and which has been revoked for cause; or (b)
 9 who is a subterfuge for the real party in interest whose license has been
 10 revoked for cause; or (c) upon other sufficient cause being shown. Be-
 11 fore refusal, the department of revenue shall grant the applicant a
 12 hearing and give him at least fifteen days' written notice of the time
 13 and place thereof.

1 SEC. 4. Section three hundred twenty-four point seven (324.7),
 2 Code 1975, is repealed.

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code.

CHAPTER 26

MOTOR FUEL TAX REFUNDS

H. F. 900

AN ACT to make an appropriation from the motor vehicle fuel tax fund to the state comptrol-
 ler.

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

1 SECTION 1. There is appropriated from the motor vehicle fuel tax
 2 fund for the fiscal year beginning July 1, 1975 and ending June 30,
 3 1976 to the state comptroller the following amount, or so much thereof
 4 as is necessary, to be used for the following purposes:

5 For salaries, support, maintenance and defraying other expenses in
 6 writing motor vehicle fuel tax refund warrants and keeping necessary
 7 records \$9,000

Approved July 9, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 27

EXAMINING BOARDS APPROPRIATION

H. F. 333

AN ACT making an appropriation from the general fund of the state to examining boards governing the practices of medicine, nursing and pharmacy.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
 3 the following boards the following amounts, or so much thereof as may
 4 be necessary, to be used for the following purposes:

	1975-76 Fiscal Year
7 1. BOARD OF MEDICAL EXAMINERS.	
8 For salaries, support, maintenance and miscellaneous	
9 purposes:	\$ 97,886
10 2. BOARD OF NURSE EXAMINERS.	
11 For salaries, support, maintenance and miscellaneous	
12 purposes:	\$216,336
13 3. BOARD OF PHARMACY EXAMINERS.	
14 For salaries, support, maintenance and miscellaneous	
15 purposes:	\$173,993

1 SEC. 2. Notwithstanding the provisions of section eight point thirty-
 2 three (8.33) of the Code, all unencumbered or unobligated balances
 3 of appropriations made by this Act for the fiscal year commencing
 4 July 1, 1975 shall on August 31, 1976 revert to the general fund of the
 5 state. In all other respects, the provisions of section eight point thirty-
 6 three (8.33) of the Code shall apply to this Act.

Approved April 8, 1975

CHAPTER 28

APPROPRIATIONS

H. F. 455

AN ACT making appropriations to the Iowa state fair board, agricultural societies, the geological survey, and the Iowa natural resources council.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 the
 3 following amounts, or so much thereof as is necessary, for the agencies
 4 designated:

	1975-76 Fiscal Year
7 1. IOWA STATE FAIR BOARD	
8 For maintenance of buildings and grounds	\$ 70,000
9 For premiums	\$ 10,000

10	2. AGRICULTURAL SOCIETIES	
11	(local fairs)	
12	a. For state aid	\$210,000
13	b. The appropriation for state aid to agricultural societies is condi-	
14	tional on full compliance with all other statutes which regulate and	
15	prescribe the conditions under which such aid is payable. In no case	
16	shall any county receive more than two thousand one hundred (2,100)	
17	dollars, except that in a county where there are two definitely separate	
18	county extension offices, each such society shall receive state aid in	
19	such amount as it would be entitled to if it were the only society in the	
20	county. In counties having more than one fair entitled to state aid, the	
21	state aid available for the county shall be prorated to the fairs on the	
22	basis of cash premiums paid by the fairs.	
23	3. GEOLOGICAL SURVEY	
24	a. General office	
25	(1) For salaries	\$375,923
26	(2) For support, maintenance, miscellaneous purposes and stream	
27	gauging	\$322,892
28	b. Iowa coal research project	
29	(1) For salaries	\$ 55,663
30	(2) For support, maintenance, and miscellaneous purposes ..	\$ 51,314
31	c. Topographic mapping program	\$100,000
32	4. IOWA NATURAL RESOURCES COUNCIL	
33	a. For salaries	\$314,237
34	b. For support, maintenance, and miscellaneous purposes ..	\$ 70,963
35	c. Notwithstanding the provisions of section four hundred fifty-five	
36	A point seventeen (455A.17) of the Code, the Iowa natural resources	
37	council may perform its statutory duties relating to uses and develop-	
38	ments of water sources of the state without meeting the provisions of a	
39	comprehensive statewide plan for the control, utilization, and protec-	
40	tion of the water resources of the state until such time as the plan is	
41	prepared and completed.	

1 ***[SEC. 2.**** The funds appropriated to the geological survey gener-
2 al office under subparagraph one (1) of paragraph a of subsection three
3 (3) of section one (1) of this Act shall be used to pay salaries for a table
4 of organization of not more than twenty-eight permanent full-time po-
5 sitions. The funds appropriated to the geological survey, Iowa coal re-
6 search project, for salaries under subparagraph one (1) of paragraph b
7 of subsection three (3) of section one (1) of this Act shall be used to pay
8 salaries for a table of organization of not more than four permanent
9 full-time positions. The funds appropriated to the Iowa natural re-
10 sources council for salaries under paragraph a of subsection four (4) of
11 section one (1) of this Act shall be used to pay salaries for a table of
12 organization of not more than thirty permanent full-time positions.]

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

1 **SEC. 4.** Notwithstanding section eight point thirty-three (8.33) of
2 the Code, unobligated or unencumbered funds remaining from funds
3 appropriated by this Act on June 30, 1976 shall revert to the general
4 fund of the state on August 31, 1976.

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 fiscal year ending June
3 30, 1976.

*See item veto message, page 39

**Amended by ch 53 of these Acts

*Approved April 22, 1975 except the item designated as Sec. 2 herein which is delineated with my reasons therefor in my item veto message delivered to the Secretary of State this same date, which is attached hereto, which I hereby disapprove.

s/ ROBERT D. RAY, *Governor*

See Welden v. Ray, NW 2d

CHAPTER 29

GENERAL SERVICES DEPARTMENT, PLANNING AND MERIT

S. F. 425

AN ACT appropriating funds to the department of general services, capitol planning commission, the executive council and the Iowa merit employment department and relating to a permanent revolving fund used for printing 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 state	
2	for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to	
3	the department of general services, capitol planning commission, the	
4	executive council and the merit employment department the following	
5	amounts, or so much thereof as is necessary:	
6	1. DEPARTMENT OF GENERAL SERVICES	
7	a. Office of the director	
8	For salaries, support, maintenance and miscellaneous purposes	
9	.....	\$ 178,027
10	b. General administration	
11	For salaries, support, maintenance and miscellaneous purposes	
12	.....	\$1,223,879
13	c. Buildings and grounds	
14	For salaries, support, maintenance and miscellaneous purposes	
15	.....	\$1,591,505
16	d. Printing division	
17	For salaries, support, maintenance and miscellaneous purposes	
18	.....	\$ 133,110
19	e. Communications division	
20	For salaries, support, maintenance and miscellaneous purposes	
21	.....	\$ 83,396
22	2. CAPITOL PLANNING COMMISSION	
23	For per diem not to exceed forty dollars per day and expenses of the	
24	members in carrying out their duties under chapter eighteen A (18A) of	
25	the Code	\$ 7,000
26	3. EXECUTIVE COUNCIL	
27	For salaries, support, maintenance and miscellaneous purposes	
28	.....	\$ 13,224
29	4. IOWA MERIT EMPLOYMENT DEPARTMENT	
30	For salaries, support, maintenance and miscellaneous purposes	
31	.....	\$ 566,929

1 SEC. 2. Section seventeen point twenty-two (17.22), Code 1975, is
2 amended to read as follows:

3 **17.22 Price.** Said publications shall be sold at a price to be estab-
4 lished by dividing the total cost only, of printing, binding, *distribu-*
5 *tion* and paper stock by the total number printed of each edition.

1 SEC. 3. Section seventeen point twenty-seven (17.27), Code 1975, is
2 amended to read as follows:

3 **17.27 Other necessary publications—when necessary to**
4 **sell.** There may be published other miscellaneous documents, reports,
5 bulletins, books, and booklets that are needed for the use of the vari-
6 ous officials and departments of state, or are of value for the informa-
7 tion of the general assembly or the public, in form and number most
8 useful and convenient, to be determined by the superintendent of
9 printing.

10 When such publications, except supplements to the Iowa administra-
11 tive code paid for by public funds furnished by the state, contain re-
12 prints of statutes or rules, or both, they shall be sold and distributed at
13 cost by the department ordering same if the cost per publication is one
14 dollar or more, unless a central library or depository is established.
15 Such publications shall be obtained from the superintendent of print-
16 ing on requisition by the department and the selling price, if any, shall
17 be determined by the superintendent by dividing the total cost of
18 printing, paper, *distribution* and binding by the number printed. Said
19 price shall be set at the nearest multiple of ten to the quotient thus ob-
20 tained. Distribution of such publications shall be made by the superin-
21 tendent gratis to public officers, purchasers of licenses from state
22 departments required by statute and departments. Funds from the sale
23 of such publications shall be deposited monthly in the general fund of
24 the state *except the cost of distribution shall be deposited in the per-*
25 *manent revolving fund established in section eighteen point fifty-*
26 *seven (18.57) of the Code.*

1 SEC. 4. Section eighteen point fifty-seven (18.57), Code 1975, is
2 amended to read as follows:

3 **18.57 Centralized printing department.** A centralized printing
4 department is hereby established under the jurisdiction of the director.

5 ~~There is hereby appropriated from the general fund of the state to~~
6 ~~the general services department the sum of seventy-five thousand dol-~~
7 ~~lars to establish a permanent revolving fund. This fund is estab-~~
8 ~~lished and may be used in making payments for supplying paper~~
9 ~~stock, offset printing, copy preparation, binding, distribution costs,~~
10 ~~and original payment of printing and binding claims for any of the~~
11 ~~state departments, bureaus, commissions or institutions. All salaries~~
12 ~~and expenses properly chargeable thereto shall be paid from this fund.~~
13 The director may also use the fund for the purchase of replacement or
14 additional equipment, if a sufficient balance will remain in the fund to
15 enable the continued operation of the centralized printing department.

16 The director shall periodically render a statement to each state de-
17 partment, bureau, commission or institution for the cost of paper stock,
18 offset printing, copy preparation *distribution*, or binding supplied
19 thereto. The expense shall be paid by the state departments, bureaus,
20 commissions or institutions in the same manner as other expenses of
21 the departments are paid, and the sum shall be credited to the central-
22 ized printing revolving fund. If a surplus accrues to the fund for which
23 there is no anticipated need or use, the governor shall order the surplus
24 turned over to the general fund of the state.

1 SEC. 5. Section eighteen point sixty-three (18.63), Code 1975, is
2 amended to read as follows:

3 **18.63 Approval required for printing.** No department or com-
4 mission of state located in the city of Des Moines shall expend any
5 funds for the publication or distribution of books or pamphlets or re-
6 ports unless the publication thereof be expressly required by law or ap-

7 proved by the director. A violation of this section shall constitute
8 misfeasance in office.

9 The director may establish a central library and depository from
10 which shall be distributed all books, pamphlets, documents, reports
11 and publications not required by law to be otherwise distributed. The
12 director shall from time to time establish the cost of printing and *dis-*
13 *tribution or* mailing each book, pamphlet, report, document and pub-
14 lication. The director shall, thereafter, cause to be delivered, sent, or
15 mailed to anyone requesting a book, pamphlet, report, document, or
16 publication upon receipt of the cost thereof plus *distribution or* mail-
17 ing charges. Anyone may examine a copy of any book, pamphlet, doc-
18 ument, report or publication at the central library and depository. The
19 director may exempt from the provisions of this section any pamphlet
20 or publication which only lists the services available from a state de-
21 partment or agency.

1 SEC. 6. Moneys appropriated by this Act shall not be used for capi-
2 tal improvements.

1 SEC. 7. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such federal grants or receipts.

1 SEC. 8. Notwithstanding the provisions of section eight point thirty-
2 three (8.33) of the Code, all unencumbered or unobligated balances
3 of appropriations made by this Act for the fiscal year beginning July
4 1, 1975 remaining on June 30, 1976 shall revert to the general fund on
5 August 31, 1976. In all other respects the provisions of section eight
6 point thirty-three (8.33) of the Code shall apply to this Act.

Approved May 6, 1975

CHAPTER 30

DEVELOPMENT COMMISSION AND ENERGY COUNCIL

S. F. 464

AN ACT making an appropriation to the Iowa development commission and energy policy council.

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 for the fiscal year designated the following amounts, or so much there-
3 of as is necessary, for the agencies and purposes specified:

	1975-1976 <u>Fiscal Year</u>
4	
5	
6 1. IOWA DEVELOPMENT COMMISSION	
7 a. For salaries, support, maintenance, promotion and miscellaneous	
8 purposes.....	\$1,476,891

9 b. The Iowa development commission shall allocate from funds ap-
10 propriated by paragraph a of this subsection not to exceed thirty thou-
11 sand (30,000) dollars for the seven regional tourism districts, not to
12 exceed five thousand (5,000) dollars per district, if the district which
13 will receive such funds provides on a dollar-to-dollar matching basis
14 funds equal to the amount allocated by the Iowa development com-
15 mission. Application for aid under this paragraph shall be made to the

16 Iowa development commission in a manner determined by the commis-
17 sion.

18 c. Funds appropriated by paragraph a of this subsection shall be
19 used to pay salaries and support for a table of organization of not
20 more than forty-seven permanent full-time positions.

21 2. ENERGY POLICY COUNCIL

22 a. For salaries, support, maintenance, and miscellaneous purposes
23 \$ 196,178

24 b.* Funds appropriated by this subsection shall be used to pay sala-
25 ries and support for a table of organization of not more than nine per-
26 manent full-time positions.

1 SEC. 2. Funds appropriated by this Act shall not be used to fund
2 capital improvements.

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

1 SEC. 4. Notwithstanding the provisions of section eight point thirty-
2 three (8.33) of the Code, all unencumbered or unobligated balances of
3 appropriations made by this Act for the fiscal year beginning July 1,
4 1975 remaining on June 30, 1976 shall revert to the general fund on
5 August 31, 1976. In all other respects the provisions of section eight
6 point thirty-three (8.33) of the Code shall apply to this Act.

Approved June 3, 1975

*Amended by ch 53 of these Acts

CHAPTER 31

LAW ENFORCEMENT ACADEMY

S. F. 549

AN ACT making an appropriation to 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 state
2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976, the
3 following amounts, or so much thereof as is necessary, for the purposes
4 designated:

5
6 1975-1976
Fiscal Year

7 IOWA LAW ENFORCEMENT ACADEMY

8 1. For salaries.....\$236,500
9 2. For support and maintenance\$142,000
10 3. For equipment for the new building\$100,000

1 SEC. 2. Notwithstanding the provisions of section eight point thirty-
2 nine (8.39) of the Code, there shall be no transfer of state funds to
3 or between categories or line items of this Act.

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

Approved June 16, 1975

CHAPTER 32

PRINTING, PURCHASING AND VEHICLE DISPATCHER

H. F. 424

AN ACT to appropriate and authorize expenditures for centralized printing, centralized purchasing and the vehicle dispatcher.

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

1 SECTION 1. There is appropriated from the general services revolving
2 ing funds established under chapter eighteen (18) of the Code for the
3 fiscal year beginning July 1, 1975 and ending June 30, 1976 the follow-
4 ing amounts, or so much thereof as may be necessary:

5 a. (1) From the centralized printing permanent revolving fund estab-
6 lished by section eighteen point fifty-seven (18.57) of the Code for sala-
7 ries, support, maintenance and miscellaneous purposes.....\$374,965

8 (2) The remainder of the permanent revolving fund is appropriated
9 for the expense incurred in supplying paper stock, offset printing, copy
10 preparation, binding, original payment of printing and binding claims
11 and contingencies arising during the fiscal year beginning July 1, 1975
12 which are legally payable from this fund.

13 b. (1) From the general service revolving fund established by section
14 eighteen point nine (18.9) of the Code for salaries, support, mainte-
15 nance and miscellaneous purposes.....\$256,938

16 (2) The remainder of the revolving fund is appropriated for the pay-
17 ment of expenses incurred through purchases by various state depart-
18 ments and for contingencies arising during the fiscal year beginning
19 July 1, 1975 which are legally payable from this fund.

20 c. (1) From the vehicle dispatcher revolving fund established by sec-
21 tion eighteen point one hundred nineteen (18.119) of the Code for sala-
22 ries, support, maintenance and miscellaneous purposes.....\$222,838

23 (2) The remainder of the fund is appropriated for the purchase of
24 gasoline, oil, tires, repairs and all other maintenance expenses incurred
25 in the operation of state-owned motor vehicles and for contingencies
26 arising during the fiscal year beginning July 1, 1975 which are legally
27 payable from this fund.

1 SEC. 2.

2 1. A contingency under this Act shall not include any purpose or
3 project which was presented to the general assembly or any standing
4 committee or subcommittee of a standing committee by any person by
5 way of a bill, proposed bill, amendment to a bill, written document, or
6 a proposal which is documented by the minutes, records, or reports of a
7 committee or subcommittee, and which failed to be enacted into law.
8 For the purpose of this Act a necessity of additional operating funds
9 may be construed as a contingency.

10 2. Before any of the funds authorized to be expended by this Act
11 shall be allocated for contingencies, it shall be determined by the exec-
12 utive council that a contingency exists and that the contingency was
13 neither existent while the general assembly was in session nor reason-
14 ably foreseeable at that time, and that the proposed allocation shall be
15 for the best interests of the state.

16 3. If a contingency arises or could reasonably be foreseen during the
17 time the general assembly is in session, expenditures for the contingen-
18 cy must be authorized by the general assembly.

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 fiscal year beginning

4 July 1, 1975 remaining on June 30, 1976 shall revert to the general
5 fund on August 31, 1976. In all other respects the provisions of section
6 eight point thirty-three (8.33) of the Code shall apply to this Act.

Approved May 15, 1975

CHAPTER 33

DRIVER EDUCATION

S. F. 559

AN ACT making an appropriation to the department of public instruction for the administration of driver education courses.

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 to the department of public instruction for the fiscal year beginning
3 July 1, 1975 and ending June 30, 1976 the following amount, or so
4 much thereof as is necessary, to be used for administration of the pro-
5 gram for driver education courses:

6 GENERAL OFFICE ADMINISTRATION

7 For salaries, support, maintenance and miscellaneous purposes for
8 administering the program for driver education courses pursuant to the
9 provisions of section three hundred twenty-one point one hundred
10 seventy-eight (321.178) of the Code.....\$63,000

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

1 SEC. 3. Funds appropriated by this Act shall not be used for capital
2 improvements.

Approved June 16, 1975

CHAPTER 34

SOIL CONSERVATION AND AGRICULTURE DEPARTMENT

H. F. 780

AN ACT making an appropriation to the department of soil conservation and department of agriculture, from the general fund of the state and various trust funds, and providing for changes in certain fees by the department of agriculture to provide funds sufficient to meet expenses of a program under the department of agriculture.

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 for the department of soil conservation and department of agriculture,
3 the following amounts, or so much thereof as is necessary, for the fiscal
4 year designated to be used for the following purposes:

	1975-76 <u>Fiscal Year</u>
5	
6	
7	
8	1. DEPARTMENT OF SOIL CONSERVATION
9	a. General office. For salaries, support, maintenance, and miscella-
10	neous purposes including expenses necessary to discharge duties under
11	chapter four hundred sixty-seven D (467D) of the Code.....\$ 284,452
12	b. State Soil Conservation Committee
13	(1) To carry on soil conservation work in soil conservation districts
14	organized under the soil conservation districts laws of the state; for aid
15	to soil conservation districts for district commissioners' expenses, sta-
16	tionary, postage and other uses as they may be authorized by the
17	state soil conservation committee, to be allocated on a need basis:
18	.....\$ 137,500
19	(2) For personnel, technicians and clerical salaries and their neces-
20	sary expenses, equipment, and materials to be assigned to the soil con-
21	servation districts by the state soil conservation committee on a need
22	basis:.....\$1,221,079
23	(3) For participation in and conjunction with the federal government
24	or any of its agencies in joint operations of watershed planning and de-
25	velopment within this state.....\$ 60,000
26	(4) For use and expenditures in participation and conjunction with
27	the soil conservation service, United States department of agriculture,
28	and state agencies in joint operations in conducting soil surveys on
29	lands within this state.....\$ 240,000
30	(5) For support for conservancy district planning.....\$ 5,750
31	2. DEPARTMENT OF AGRICULTURE
32	a. General administration
33	(1) For salaries, support, maintenance, and miscellaneous purposes
34	.....\$ 727,813
35	(2) For state aid to the state horticulture society.....\$ 19,000
36	b. Regulatory division
37	(1) For salaries, support, maintenance, and miscellaneous purposes
38	.....\$1,759,115
39	(2) For payment of indemnities for hogs destroyed under the hog
40	cholera eradication program in accordance with chapter one hundred
41	sixty-six B (166B) of the Code.....\$ 25,000
42	c. Laboratory division
43	For salaries, support, maintenance, and miscellaneous purposes.....
	.....\$ 358,012

1 SEC. 2. There is appropriated from the various specified trust
2 funds, except as provided in subsection two (2) of this section, for the
3 following divisions of the department of agriculture, the following
4 amounts or so much thereof as is necessary, for the fiscal year designat-
5 ed to be used in the manner designated:

	1975-76 <u>Fiscal Year</u>
6	
7	
8	1. a. From the commercial feed fund to be transferred to the labora-
9	tory division.....\$407,695
10	b. From the commercial feed fund to be transferred to the adminis-
11	tration division for auditing.....\$ 17,577
12	2. From the hotel and restaurant fund to be transferred to the regu-
13	latory division, however if House File 785 is enacted by the 1975 ses-
14	sion of the Sixty-sixth General Assembly the following amount shall be
15	appropriated from the general fund of the state to the regulatory divi-
16	sion in addition to funds appropriated by section one (1) of this Act
17	.....\$207,385

18	3. From the pesticide fund to be transferred to the laboratory division.....	\$108,678
19		
20	4. a. From the fertilizer fund to be transferred to the laboratory division.....	\$439,259
21		
22	b. From the fertilizer fund to be transferred to the administration division for auditing.....	\$ 17,577
23		
24	5. From the dairy trade practice fund to be transferred to the administration division.....	\$ 41,697
25		

1 SEC. 3. Section one hundred eighty-seven point four (187.4), Code
2 1975, is amended to read as follows:

3 **187.4 Recording—fee.** Any person desiring to adopt a brand
4 shall forward to the secretary proper brand application forms of such
5 desired brand, together with a recording fee of ~~fifteen dollars~~ in an
6 amount established by rule of the secretary pursuant to chapter sev-
7 enteen A (17A) of the Code, which amount shall be based upon the
8 administrative costs of maintaining the brand program provided for
9 by this chapter. Upon receipt of such application and fee, the secre-
10 tary shall file the same and unless such brand is of record as that of
11 some other person or conflicts with or closely resembles the brand of
12 another person, the secretary shall record the same. If the secretary de-
13 termines that such brand is of record or conflicts with or closely resem-
14 bles the brand of another person he shall not record it but shall return
15 such facsimile and fee to the forwarding person. The power of exami-
16 nation, approval, acceptance, or rejection shall be vested in the secre-
17 tary. It shall be the duty of the secretary to file all brands offered for
18 record pending the examination provided for in this section. The secre-
19 tary shall make such examination as promptly as possible. If the brand
20 is accepted, the ownership thereof shall vest in the person recording it
21 from the date of filing.

1 SEC. 4. Section one hundred eighty-seven point eight (187.8), Code
2 1975, is amended to read as follows:

3 **187.8 Sale or assignment of brand.** Any brand recorded as pro-
4 vided in section 187.4 shall be the property of the person causing such
5 record to be made and shall be subject to sale, assignment, transfer, de-
6 vise, and descent as personal property. Instruments of writing, evidenc-
7 ing the sale, assignment, or transfer of such brand shall be recorded by
8 the secretary and the fee for recording such sale, assignment, or trans-
9 fer shall be ~~five dollars~~ in an amount established by rule of the secre-
10 tary pursuant to chapter seventeen A (17A) of the Code, which
11 amount shall be based upon the administrative costs of maintain-
12 ing the brand program provided for by this chapter.

1 SEC. 5. Section one hundred eighty-seven point thirteen (187.13),
2 Code 1975, is amended to read as follows:

3 **187.13 Fee each fifth year.** Each owner of a brand of record be-
4 ginning on January 1, 1970, shall pay to the secretary a fee of five dol-
5 lars and a renewal fee of ~~five dollars~~ on January 1 of each fifth year
6 thereafter after the payment of the five dollar fee, or on January 1
7 of each fifth year following the original recording of a brand record-
8 ed after June 30, 1975. The amount of the renewal fee required for
9 January 1, 1976 and each year thereafter shall be established by
10 rule of the secretary pursuant to chapter seventeen A (17A) of the
11 Code. Such amount shall be based upon the administrative costs of
12 maintaining the brand program provided for in this Act. It shall be
13 the duty of the secretary to notify every owner of a brand of record at
14 least thirty days prior to the date of the renewal period. The secretary
15 shall give a receipt for all such payments made and if any owner of a

16 brand of record shall fail, refuse, or neglect to pay such fee by July 1
 17 of each year in which it is due, such brand shall become forfeited and
 18 no longer carried in the record. Any such forfeited brand shall not be
 19 issued to any other person within a period of less than five years fol-
 20 lowing date of forfeiture.

1 SEC. 6.

2 1. Funds appropriated by paragraph a of subsection one (1) of sec-
 3 tion one (1) of this Act for the general office of the department of soil
 4 conservation shall be used to pay salaries and support for a table of or-
 5 ganization of not more than fifteen permanent full-time positions.

6 2. Funds appropriated to the state soil conservation committee pur-
 7 suant to subparagraph two (2) of paragraph b of subsection one (1) of
 8 section one (1) of this Act shall be used to pay salaries and support for
 9 a table of organization of not more than one hundred sixty-eight per-
 10 manent full-time positions.

11 3.* Funds appropriated by subsection two (2) of section one (1) and
 12 section two (2) of this Act to the department of agriculture shall be
 13 used to pay salaries and support for a table of organization of not
 14 more than three hundred two permanent full-time positions.

1 SEC. 7. Funds appropriated by this Act shall not be used for capital
 2 improvements.

1 SEC. 8. All federal grants to and the federal receipts of the agencies
 2 appropriated funds under this Act are appropriated for the purposes
 3 set forth in such federal grants or receipts.

1 SEC. 9. 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 fiscal year beginning
 4 July 1, 1975 remaining on June 30, 1976 shall revert to the general
 5 fund on August 31, 1976. In all other respects the provisions of section
 6 eight point thirty-three (8.33) of the Code shall apply to this Act.

Approved June 3, 1975

*Amended by Ch 53 of these Acts

CHAPTER 35

TRANSPORTATION DEPARTMENT

H. F. 892

AN ACT to appropriate from the road use tax fund, the primary road fund, the aeronautics fund, and the general fund of the state to the state department of transportation for administration and other purposes, clarifying administrative duties of the state department of transportation, and funding the state department of transportation's share for administration of the state merit 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 state
 2 to the state department of transportation for the fiscal year beginning
 3 July 1, 1975 and ending June 30, 1976 the following amounts, or so
 4 much thereof as may be necessary, to be used for the following purpos-
 5 es:

	1975-1976 Fiscal Year
6	
7	
8	
9	1. For salaries, support, maintenance, and miscellaneous purposes
9	----- \$ 3,542,200
10	2. General contingency fund..... \$ 250,000

1 SEC. 2. There is appropriated from the road use tax fund to the
 2 state department of transportation for the fiscal year beginning July 1,
 3 1975 and ending June 30, 1976 the following amounts, or so much
 4 thereof as may be necessary, to be used for the following purposes:

5	1. For salaries, support, maintenance, and miscellaneous purposes
6	----- \$ 5,695,400
7	2. For the purpose of making payments to the Iowa merit employ-
8	ment department for expenses incurred in administering the merit sys-
9	tem on behalf of the state department of transportation, as required by
10	chapter nineteen A (19A) of the Code \$ 10,000

1 SEC. 3. There is appropriated from the primary road fund to the
 2 state department of transportation for the fiscal year beginning July 1,
 3 1975 and ending June 30, 1976, the following amounts, or so much
 4 thereof as may be necessary, to be used for the following purposes:

5	1. For salaries, support, maintenance, and miscellaneous purposes
6	----- \$69,775,000
7	2. Additional equipment to be purchased to supplement present in-
8	ventory. All acquisitions, when acquired, will become a part of the
9	state department of transportation materials and equipment revolving
10	fund \$ 500,000
11	3. To be deposited in the state department of transportation mater-
12	ials and equipment revolving fund established by section three hundred
13	seven A point seven (307A.7) of the Code for funding the increased re-
14	placement cost of vehicles \$ 400,000
15	4. For the purpose of making payments to the Iowa merit employ-
16	ment department for expenses incurred in administering the merit sys-
17	tem on behalf of the state department of transportation, as required by
18	chapter nineteen A (19A) of the Code..... \$ 140,000
19	5. Unemployment compensation \$ 100,000
20	6. To the industrial commission for payment of workmen's compen-
21	sation claims \$ 150,000

1 SEC. 4. There is appropriated from the aeronautics fund to the
 2 state department of transportation for the fiscal year beginning July 1,
 3 1975 and ending June 30, 1976, the following amounts, or so much
 4 thereof as may be necessary, to be used for the following purposes:

5	For salaries, support, maintenance, and miscellaneous purposes-----
6	----- \$ 300,000

1 SEC. 5. Unless otherwise provided, the primary road fund is hereby
 2 appropriated for highway construction.

1 SEC. 6. Unless otherwise provided, the aeronautics fund is hereby
 2 appropriated for airport construction.

1 SEC. 7. For the fiscal year beginning July 1, 1975 and ending June
 2 30, 1976, the funds in the primary road contingent fund, established
 3 under section three hundred thirteen point seventeen (313.17) of the
 4 Code, may be expended to pay claims for labor, freight, or other items
 5 which must be paid promptly by the state department of transporta-
 6 tion. The primary road contingent fund shall be reimbursed for ex-
 7 penditures made by the state department of transportation from the

8 fund to which the expenditure should properly be charged.

1 SEC. 8.

2 1. Notwithstanding the provisions of sections three hundred twenty-
3 one point two hundred thirty-eight (321.238), three hundred twenty-two
4 point twelve (322.12), three hundred twenty-five point thirty-six
5 (325.36), three hundred twenty-seven point thirteen (327.13), three
6 hundred twenty-seven A point nineteen (327A.19), and three hundred
7 twenty-seven B point three (327B.3) of the Code, for the fiscal year be-
8 ginning July 1, 1975 and ending June 30, 1976, the treasurer of state
9 shall credit all fees collected pursuant to sections three hundred twenty-
10 one point two hundred thirty-eight (321.238), three hundred twenty-
11 two point twelve (322.12), three hundred twenty-five point thirty-six
12 (325.36), three hundred twenty-seven point thirteen (327.13), three
13 hundred twenty-seven A point nineteen (327A.19), and three hundred
14 twenty-seven B point three (327B.3) of the Code to the road use tax
15 fund, except that any refunds or other costs allowed under sections
16 three hundred twenty-one point two hundred thirty-eight (321.238),
17 three hundred twenty-two point twelve (322.12), three hundred twenty-
18 five point thirty-six (325.36), three hundred twenty-seven* point thir-
19 teen (325.13)*, three hundred twenty-seven A point nineteen (327A.19),
20 and three hundred twenty-seven B point three (327B.3) of the Code
21 shall be deducted by the treasurer of state from the funds to be credit-
22 ed to the road use tax fund.

23 2. Notwithstanding the provisions of section three hundred twenty-
24 one point two hundred thirty-eight (321.238), subsection nine (9), and
25 section three hundred twenty-two point twelve (322.12) of the Code, all
26 unencumbered moneys on deposit in the motor vehicle inspection fund
27 and the motor vehicle dealer license fee fund on July 31, 1975, shall be
28 credited by the treasurer of state to the road use tax fund.

1 SEC. 9.

2 1. For the fiscal year beginning July 1, 1975 and ending June 30,
3 1976 the money, except fines and forfeitures, operator's and chauffeur's
4 license fees, certificates of title fees and lien or encumbrance notation
5 fees, collected pursuant to the provisions of chapter three hundred
6 twenty-one (321) of the Code shall be credited by the treasurer of state
7 to the road use tax fund.

8 2. The treasurer of state shall also credit certificates of title fees and
9 lien or encumbrance fees to the road use tax fund of the state, less any
10 fees retained by the county treasurer pursuant to section three hundred
11 twenty-one point one hundred fifty-two (321.152) of the Code.

12 Sections three hundred twenty-one point one hundred twenty-nine
13 (321.129) and three hundred twenty-one point one hundred forty-six
14 (321.146) of the Code shall not be effective for the fiscal year beginning
15 July 1, 1975 and ending June 30, 1976.

1 SEC. 10. Notwithstanding the provisions of section three hundred
2 twenty-one point four hundred eighty (321.480) of the Code, for the fis-
3 cal year beginning July 1, 1975 and ending June 30, 1976, the limita-
4 tions on expenditures under section three hundred twenty-one point
5 four hundred eighty (321.480) of the Code shall apply to, and appro-
6 priations for the purposes of sections three hundred twenty-one point
7 four hundred seventy-six (321.476) to three hundred twenty-one point
8 four hundred eighty-one (321.481) of the Code shall be from the road
9 use tax fund as provided in this Act.

*According to enrolled Act

1 SEC. 11. Notwithstanding the provisions of section three hundred
2 twenty-one F point eleven (321F.11) of the Code, for the fiscal year be-
3 ginning July 1, 1975 and ending June 30, 1976, all fees and funds ac-
4 cruing from the administration of chapter three hundred twenty-one F
5 (321F) of the Code shall be remitted monthly to the treasurer of state
6 for deposit in the road use tax fund.

1 SEC. 12. It is the intent of the general assembly in making appro-
2 priations pursuant to this Act that the moneys available under the pro-
3 visions of this Act shall be used to pay salaries and other employee
4 expenses for four thousand seven hundred forty-five permanent, full-
5 time persons employed during the 1975-76 fiscal year and that no more
6 than four thousand nine hundred eighty-five employee positions be
7 created or authorized during the 1975-76 fiscal year. A variance of one
8 percent in the above filled positions is considered to be reasonable.

1 SEC. 13. When any of the laws of this state are in conflict with this
2 Act, the provisions of this Act shall govern for the fiscal year
3 1975-1976.

1 SEC. 14. All federal grants to and the federal receipts of the agen-
2 cies appropriated funds under this Act are appropriated for the purpos-
3 es set forth in such federal grants or receipts.

1 SEC. 15. Section three hundred twelve point two (312.2), subsection
2 seven (7), Code 1975, is amended to read as follows:

3 7. The treasurer of state shall before making the allotments provided
4 for in this section credit monthly to the division of motor vehicle regis-
5 tration of the *state* department of ~~public safety~~ *transportation* funds
6 sufficient in amount to pay the costs of purchasing supplies and mate-
7 rials and for the cost of prison labor used in manufacturing motor vehi-
8 cle registration plates, decalcomania emblems, and validation stickers
9 at the prison industries.

1 SEC. 16. Section three hundred twenty-eight point twelve (328.12),
2 subsection five (5), Code 1975, is amended to read as follows:

3 5. Intervention. It may participate as party plaintiff or defendant,
4 or as intervenor, complainant or movant, on behalf of the state or any
5 municipality or citizen thereof, in any proceeding having to do with
6 aeronautics; ~~provided, however, that in any application before the civ-
7 il aeronautics board the commission shall take no position as between
8 applicants or municipalities.~~

Approved June 29, 1975

CHAPTER 36

DEPARTMENT OF TRANSPORTATION

H. F. 368

AN ACT appropriating funds to the department of transportation to be used to match federal funds available for state and local projects.

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 to the state department of transportation the sum of two million one

3 hundred thousand (2,100,000) dollars, or so much thereof as is neces-
4 sary, to be used as matching funds by the department of transportation
5 against federal funds which are presently being released to states which
6 have eligible projects and funds to carry out such projects.

1 SEC. 2. There is appropriated from the general fund of the state to
2 the department of transportation the sum of three million six hundred
3 thousand (3,600,000) dollars, or so much thereof as is necessary, to be
4 available to provide loans at no interest to counties for use as matching
5 funds for road and bridge projects which will be eligible to receive fed-
6 eral funds from funds which are being released to states. The depart-
7 ment of transportation shall promulgate rules for carrying out the
8 provisions of this section.

1 SEC. 3. Unobligated or unencumbered funds remaining with the de-
2 partment of transportation as of June 30, 1975 from funds appropriated
3 by sections one (1) and two (2) of this Act shall revert to the general
4 fund of the state.

5 Funds shall be repaid to the department of transportation from loans
6 to counties under section two (2) of this Act between the period com-
7 mencing July 1, 1976 and ending December 30, 1976 and shall revert to
8 the general fund of the state upon receipt by the department of trans-
9 portation.

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 *Humeston New Era*, a newspaper published in Humeston, Iowa, and in
4 *The Monticello Express*, a newspaper published in Monticello, Iowa.

Approved April 8, 1975

I hereby certify that the foregoing Act, House File 368, was published in *The Humeston New Era*, Humeston, Iowa, April 17, 1975, and in *The Monticello Express*, Monticello, Iowa, April 17, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 37

VETERINARY EXAMINERS

S. F. 522

AN ACT making an appropriation to supplement funds appropriated to the state board of veterinary examiners fund.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1973 Session,
2 chapter seventy-seven (77), section one (1), subsection three (3), is
3 amended to read as follows:

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

6 For salaries, support, maintenance, equipment and miscellaneous
7 purposes\$4,500 \$4,500 6,500

8 This Act, being deemed of immediate importance, shall take effect
9 and be in force from and after its publication in the *Emmetsburg*

10 Reporter, a newspaper published in Emmetsburg, Iowa, and in the Lee
11 Town News, a newspaper published in Des Moines, Iowa.

Approved June 6, 1975

I hereby certify that the foregoing Act, Senate File 522, was published in the Emmetsburg Reporter, Emmetsburg, Iowa, June 10, 1975, and in the Lee Town News, Des Moines, Iowa, June 12, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 38

COMPREHENSIVE WATER PLAN

H. F. 760

AN ACT making an appropriation to provide funds for the development of a statewide comprehensive water plan and requiring approval of the plan by the general assembly.

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 for the following agencies, the following amounts or so much thereof as
3 is necessary, for the fiscal year designated, to be used in the manner
4 designated:

	1975-76 Fiscal Year
5	
6	
7	
8	1. IOWA NATURAL RESOURCES COUNCIL
9	For salaries, support and maintenance for state comprehensive water planning.....\$32,116
10	2. DEPARTMENT OF SOIL CONSERVATION
11	For salaries, support and maintenance for state comprehensive water 12 planning.....\$20,042
13	3. STATE CONSERVATION COMMISSION
14	For salaries, support and maintenance for state comprehensive water 15 planning.....\$14,970
16	4. GEOLOGICAL SURVEY
17	For salaries, support and maintenance for state comprehensive water 18 planning.....\$98,594

1 SEC. 2.

2 1. The appropriation made under section one (1) of this Act shall be
3 used solely for programs designed for development of a statewide plan
4 as provided for in section four hundred fifty-five A point seventeen
5 (455A.17) of the Code.

6 2. The funds appropriated to the Iowa natural resources council un-
7 der subsection one (1) of section one (1) of this Act shall be used to pay
8 salaries for not more than two full-time permanent employees.

9 3. The funds appropriated to the department of soil conservation
10 under subsection two (2) of section one (1) of this Act shall be used to
11 pay salaries for not more than one full-time permanent employee.

12 4. The funds appropriated to the state conservation commission un-
13 der subsection three (3) of section one (1) of this Act shall be used to
14 pay salaries for not more than one full-time permanent employee.

15 5. The funds appropriated to the geological survey under subsection
16 four (4) of section one (1) of this Act shall be used to pay the salaries
17 for not more than six full-time permanent employees.

1 SEC. 3. Section four hundred fifty-five A point seventeen (455A.17),
2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 The council shall establish and enforce a comprehensive state-wide
5 plan for the control, utilization and protection of the water resources of
6 the state, which plan shall include all uses and developments of water
7 resources and shall provide for the optimum control, protection, devel-
8 opment, allocation and utilization thereof. All uses and developments
9 of water resources regulated under provisions of this chapter must be
10 found to be compatible with the state comprehensive plan prior to the
11 granting of a permit by the water commissioner or an approval order
12 by the council. In making and formulating such state comprehensive
13 plan for the further control, development, protection, allocation, and
14 utilization of the water resources of the state, the council shall make
15 surveys and investigations of the water resources of the state and shall
16 give consideration to the needs of agriculture, industry, health, fish
17 and wildlife, recreation, pollution and allied matters as they relate to
18 flood control and water resources. *Before implementation of the state-*
19 *wide plan, the council shall submit the plan to the general assembly*
20 *which shall approve or disapprove the plan pursuant to a concur-*
21 *rent resolution. Approval of the plan shall require the affirmative*
22 *vote of a majority of the members of each house of the general as-*
23 *sembly.*

1 SEC. 4. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such federal grants or receipts.

1 SEC. 5. Funds appropriated by this Act shall not be used for capital
2 improvements.

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 fiscal year beginning
4 July 1, 1975 remaining on June 30, 1976 shall revert to the general
5 fund on August 31, 1976. In all other respects the provisions of section
6 eight point thirty-three (8.33) of the Code shall apply to this Act.

Approved May 15, 1975

CHAPTER 39

MONEYS AND CREDITS REPLACEMENT

S. F. 560

AN ACT making an appropriation to the moneys and credits replacement fund.

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

1 SECTION 1. There is appropriated from the general fund of the state
2 to the moneys and credits replacement fund established in section four
3 hundred twenty-two point seventy-eight (422.78) of the Code, the fol-
4 lowing amounts, or so much thereof as may be necessary to be used for
5 the following purpose:

6		1975-76
7		<u>Fiscal Year</u>
8	For payments to counties as provided in section four hundred twenty-	
9	two point seventy-eight (422.78) of the Code.....	\$2,500,000

Approved June 16, 1975

CHAPTER 40

LEGISLATIVE COUNCIL

S. F. 548

AN ACT to make an appropriation to the legislative council for a comprehensive study of mental health delivery systems in the state.

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

1 SECTION 1. Chapter five (5), section two (2), Acts of the Sixty-fifth
2 General Assembly, 1973 Session, is amended to read as follows:

1 SEC. 2. There is appropriated from the general fund of the state to
2 the legislative council the sum of fifty thousand (50,000) dollars, or so
3 much thereof as may be necessary, which the council may at its discre-
4 tion use for the purpose of conducting a comprehensive study of all of
5 the mental health delivery systems in the state, both public and pri-
6 vate, the results of which may be used as a basis for planning of need-
7 ed changes in and expansion of mental health services in Iowa. The
8 legislative council may conduct the study, or it may arrange with the
9 committee on mental hygiene created by section two hundred twenty-
10 five B point two (225B.2) of the Code to conduct the study under such
11 arrangements for oversight and monitoring of the study by members of
12 the general assembly as are satisfactory to the council. If the legisla-
13 tive council elects to conduct or arrange to have conducted the study
14 authorized by this section, a report of the study shall be submitted to
15 the council not later than December 15, ~~1974~~ 1975 for transmission to
16 the Sixty-sixth General Assembly.

17 If the legislative council has not taken affirmative action to conduct
18 or arrange to have conducted the study authorized by this section by
19 December 31, 1973, the appropriation made by this section shall revert
20 to the general fund as of that date. Otherwise, any portion of the ap-
21 propriation made by this section remaining unencumbered as of June
22 30, ~~1975~~ 1976 shall revert to the general fund on September 30, ~~1975~~
23 1976.

1 SEC. 2. There is appropriated from the general fund of the state to
2 the legislative council, in addition to the sum appropriated by chapter
3 five (5), section two (2), Acts of the Sixty-fifth General Assembly, 1973
4 Session, the sum of four thousand (4,000) dollars, or so much thereof as
5 may be necessary, which the council may use to supplement the appro-
6 priation made by chapter five (5), section two (2), Acts of the Sixty-
7 fifth General Assembly, 1973 Session.

Approved June 16, 1975

CHAPTER 41

IOWA HOUSING FINANCE AUTHORITY

H. F. 896

AN ACT making an appropriation to the Iowa housing finance authority.

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 to the Iowa housing finance authority for the fiscal year beginning

3 July 1, 1975 and ending June 30, 1976 the sum of one hundred thousand
 4 (100,000) dollars, or so much thereof as is necessary, to be used for sala-
 5 ries, support, maintenance, and miscellaneous purposes, and as provid-
 6 ed by section two (2) of this Act.

1 SEC. 2. The funds appropriated by section one (1) of this Act shall
 2 be used only to establish and maintain the Iowa housing finance au-
 3 thority and its staff, to promulgate rules under chapter seventeen A
 4 (17A) of the Code relative to administration of housing programs to be
 5 provided or assisted by the authority, and for planning purposes. The
 6 authority shall not issue bonds or notes under House File eight
 7 hundred twenty-three (823), Acts of the Sixty-sixth General Assembly,
 8 1975 Session, before May 15, 1976, unless authorized to do so by the
 9 general assembly prior to that date.

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

Approved June 29, 1975

CHAPTER 42

APPROPRIATIONS

H. F. 267

AN ACT making an appropriation for use of the Herbert Hoover Birthplace Foundation, In-
 corporated, the Mississippi river parkway commission, the midwest nuclear compact, and
 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 state
 2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 the
 3 following sums, or so much thereof as may be necessary, to be used for
 4 the following purposes:

5	1. HERBERT HOOVER BIRTHPLACE FOUNDATION, INCORPORATED	
6	For support, maintenance and miscellaneous purposes	\$ 2,730
7	2. MISSISSIPPI RIVER PARKWAY COMMISSION	
8	For support, maintenance and miscellaneous purposes	\$ 6,000
9	3. MIDWEST NUCLEAR COMPACT	
10	For dues to the Midwest Nuclear Compact	\$10,853
11	4. IOWA AMERICAN REVOLUTION BICENTENNIAL COMMISSION	
12	For salaries, support, maintenance and miscellaneous purposes	
13	.....	\$66,218

1 SEC. 2. Any unencumbered balance remaining as of June 30, 1976
 2 shall revert to the general fund of the state as of September 30, 1976.

1 SEC. 3. The Herbert Hoover Birthplace Foundation Incorporated,
 2 the Mississippi River Parkway Commission, the Midwest Nuclear Com-
 3 pact, the Iowa American Revolution Bicentennial Commission, the
 4 governor, and the state comptroller are authorized to obtain and accept
 5 federal grants to the state to be used in connection with the funds ap-
 6 propriated in this Act and other available funds.

Approved April 8, 1975

CHAPTER 43
APPROPRIATIONS

S. F. 283

AN ACT making an appropriation from the general fund of the state to the Spanish-American war veterans and the committee on the employment of the handicapped.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
3 the following state agencies the following amounts, or so much thereof
4 as may be necessary, to be used for the following purposes:

	1975-1976 Fiscal Year
5	
6	
7 1. SPANISH-AMERICAN WAR VETERANS	
8 For salaries, support, maintenance and miscellaneous purposes:.....	
9	\$ 3,490
10 2. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED	
11 For salaries, support, maintenance and miscellaneous purposes:.....	
12	\$91,684

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

1 SEC. 3. All federal grants to and the federal receipts of the agencies
2 receiving funds under this Act are appropriated for the purpose set
3 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 bal-
3 ances of appropriations made by this Act for the fiscal year of the
4 biennium commencing July 1, 1975 shall on August 31, 1976, revert to
5 the state treasury and to the credit of the fund from which appropriat-
6 ed. In all other respects the provisions of section eight point thirty-
7 three (8.33) of the Code shall apply to appropriations made for the fis-
8 cal year commencing July 1, 1975.

Approved April 16, 1975

CHAPTER 44
INAUGURAL EXPENSE

H. F. 486

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 state
2 the sum of eight thousand seven hundred eight dollars and thirty-three
3 cents (\$8,708.33), 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 be

7 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
3 Sigourney News-Review, a newspaper published in Sigourney, Iowa,
4 and in The Wellman Advance, a newspaper published in Wellman,
5 Iowa.

Approved June 3, 1975

I hereby certify that the foregoing Act, House File 486, was published in The Sigourney News-Review, Sigourney, Iowa, June 11, 1975 and in The Wellman Advance, Wellman, Iowa, June 12, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 45

I.P.E.R.S. APPROPRIATION

H. F. 485

AN ACT appropriating funds 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 the fiscal year beginning July 1, 1975 and
3 ending June 30, 1976 to the employment security commission the sum
4 of eight hundred fifty-one thousand one hundred fifty-two (\$851,152)
5 dollars, or so much thereof as may be necessary, to be used for salaries,
6 support, maintenance and miscellaneous 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 fiscal year beginning
4 July 1, 1975 remaining on June 30, 1976 shall, on August 31, 1976, re-
5 vert to the state treasury and to the credit of the fund from which ap-
6 propriated. In all other respects the provisions of section eight point
7 thirty-three (8.33) of the Code shall apply to this Act.

Approved April 28, 1975

CHAPTER 46

MUNICIPAL ASSISTANCE FUND

H. F. 903

AN ACT to appropriate from the general fund of the state to the municipal assistance fund.

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

1 SECTION 1. There is appropriated from the general fund of the state
2 to the municipal assistance fund, established in section four hundred

3 five point one (405.1) of the Code, for the fiscal year beginning July 1,
 4 1975 and ending June 30, 1976, the sum of nine million (9,000,000) dol-
 5 lars, or so much thereof as may be necessary, to be used for state assist-
 6 ance to municipalities, with distribution in accordance with section
 7 four hundred five point one (405.1) of the Code.

Approved June 29, 1975

CHAPTER 47

DUST EXPLOSIONS STUDY

S. F. 582

AN ACT making an appropriation from the general fund of the state to Iowa state university of science and technology for research on dust explosions related to grain elevators.

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 fiscal year beginning July 1, 1975 and ending June 30,
 3 1976, to Iowa state university of science and technology, the sum of fif-
 4 ty thousand (50,000) dollars, or so much thereof as may be necessary,
 5 for the energy and mineral resources research institute to carry out and
 6 disseminate research on dust explosions related to grain elevators for
 7 the purpose of establishing explosion limits for grain dust dispersions
 8 and developing instrumentation for monitoring hazardous conditions.

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

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 48

I.P.E.R.S. CONTRIBUTIONS

S. F. 581

AN ACT making an appropriation to provide funds to certain state agencies for increased employer contributions resulting because of changes in 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 state
 2 to the state comptroller for the fiscal year beginning July 1, 1975 and
 3 ending June 30, 1976 the sum of nine hundred fifteen thousand
 4 (915,000) dollars, or so much thereof as is necessary, for the purpose of
 5 providing the general fund share to the various state departments
 6 operating in whole or in part from the general fund, in order to fund
 7 increased employer contributions in the Iowa public employees'

8 retirement system. Funds appropriated by this section shall be
9 allocated and subject to approval by the governor and state comp-
troller.

Approved July 13, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 49

I.P.E.R.S. CONTRIBUTIONS

S. F. 575

AN ACT making appropriations for increased employer contributions resulting because of changes in the employees' retirement systems and providing funds for school districts, area education agencies, and area schools, and the department of transportation; and providing supplemental authorization to expend funds from certain departmental revolving, trust or special 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 state
2 to the department of public instruction for the fiscal year beginning
3 July 1, 1975 and ending June 30, 1976 the sum of three million five
4 hundred thirty thousand (3,530,000) dollars, or so much thereof as is
5 necessary, for the purpose of providing funds for reimbursement of
6 claims for increased costs of the Iowa public employees' retirement sys-
7 tem resulting from changes in employer contribution rates. Funds ap-
8 propriated by this section shall be allocated to school districts, area
9 education agencies, and area schools for contributions to be made on
10 behalf of employees of the school districts, area education agencies,
11 and area schools.

1 SEC. 2. There is appropriated from the primary road fund to the
2 state department of transportation, for the fiscal year beginning July
3 1, 1975, and ending June 30, 1976, the sum of two hundred fifty thou-
4 sand (250,000) dollars, or so much thereof as is necessary, for the pur-
5 pose of providing funds for reimbursement of claims for increased costs
6 of the Iowa public employees' retirement system resulting from
7 changes in employer contribution rates.

1 SEC. 3. There is provided a supplemental authorization to depart-
2 mental revolving, trust or special funds, except the primary road fund
3 and the road use tax fund, in an amount necessary to fund reimburse-
4 ment of claims for increased costs of the Iowa public employees' retire-
5 ment system resulting from changes in employer contribution rates.

Approved July 13, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 50

I.P.E.R.S. BENEFITS

S. F. 555

AN ACT relating to benefits for public employees and retired public employees providing for salary adjustments and certain retirement benefits for public employees and certain elected officials and retired public employees and to make appropriations.

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

1 SECTION 1. Section thirty-three point two (33.2), unnumbered para-
2 graph three (3), Code 1975, is amended by striking the paragraph and
3 inserting in lieu thereof the following:

4 If a holiday enumerated in this section falls on Saturday, the pre-
5 ceding Friday shall be granted and if a holiday enumerated in this sec-
6 tion falls on Sunday, the following Monday shall be granted. In those
7 cases, where by nature of the employment a state employee must be re-
8 quired to work on a holiday the provisions of the first paragraph of
9 this section shall not apply, however, compensation shall be made on
10 the basis of the employee's straight time hourly rate for a forty-hour
11 work week and shall be made in either compensatory time off or cash
12 payment, at the discretion of the appointing authority.

1 SEC. 2. Section ninety-seven point fifty-one (97.51), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. Beginning July 1, 1975 any person receiving benef-
4 its under the provisions of chapter ninety-seven (97), Code 1950, as
5 amended, shall receive a monthly increase in benefits equal to one
6 hundred percent of the monthly benefits received for June, 1975 or for
7 which the person was eligible to receive for June, 1975. Any person who
8 becomes eligible for benefits under chapter ninety-seven (97), Code
9 1950, on or after July 1, 1975 shall receive the same percentage in-
10 crease.

11 There is appropriated from the general fund of the state to the Iowa
12 old age and survivors' insurance liquidation fund from funds not other-
13 wise appropriated an amount sufficient to finance the provisions of
14 this subsection.

1 SEC. 3. Section ninety-seven B point eleven (97B.11), Code 1975, is
2 amended to read as follows:

3 **97B.11 Contributions by employer and employee.** Each em-
4 ployer shall deduct from the wages of each member of the system a
5 contribution in the amount of three and one-half percent of the cov-
6 ered wages paid by the employer until the first of the month after the
7 member's seventieth birthday or his termination or retirement from
8 employment, whichever is earlier. The contributions of the ~~member~~
9 employer shall be ~~matched by the employer in the amount of three~~
10 ~~and one-half percent of the covered wages of the member for service~~
11 ~~through December 31, 1975, and in the amount of four and seventy-~~
12 ~~five hundredths percent of the covered wages of the member for ser-~~
13 ~~vice commencing January 1, 1976.~~

1 SEC. 4. Section ninety-seven B point forty-one (97B.41), subsection
2 one (1), paragraph a, Code 1975, is amended by adding the following
3 new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. Wages for an elected official means
5 the salary received by an elected official, exclusive of expense and
6 travel allowances.

1 SEC. 5. Section ninety-seven B point forty-one (97B.41), subsection
2 one (1), paragraph b, subparagraph three (3), Code 1975, is amended to
3 read as follows:

4 (3) For each calendar year from January 1, 1968, through December
5 31, 1970, wages not in excess of seven thousand dollars, for each calen-
6 dar year from January 1, 1971 through December 31, 1972, wages not in
7 excess of seven thousand eight hundred dollars, and for each calendar
8 year from January 1, 1973, ~~and thereafter~~ *through December 31, 1975,*
9 wages not in excess of ten thousand eight hundred dollars.

1 SEC. 6. Section ninety-seven B point forty-one (97B.41), subsection
2 one (1), paragraph b, Code 1975, is amended by adding the following
3 new subparagraph after subparagraph three (3):

4 NEW SUBPARAGRAPH. For each calendar year from January 1, 1976,
5 and thereafter, wages not in excess of twenty thousand dollars.

1 SEC. 7. Section ninety-seven B point forty-one (97B.41), subsection
2 two (2), Code 1975, is amended to read as follows:

3 2. "Employment" means any service performed under an employer-
4 employee relationship under the provisions of this chapter. *For the*
5 *purposes of this chapter, elected officials, excluding members of the*
6 *general assembly, are deemed to be in employment.*

1 SEC. 8. Section ninety-seven B point forty-one (97B.41), subsection
2 three (3), paragraph b, Code 1975, is amended by striking subpara-
3 graph two (2).

1 SEC. 9. Section ninety-seven B point forty-one (97B.41), subsection
2 three (3), paragraph b, subparagraph four (4), Code 1975, is amended
3 to read as follows:

4 (4) Employees hired for temporary employment of six months or less
5 duration *except temporary employees of the general assembly.*

1 SEC. 10. Section ninety-seven B point forty-one (97B.41), subsection
2 thirteen (13), Code 1975, is amended to read as follows:

3 13. "Accumulated contributions" means the total obtained as of any
4 date, by accumulating each individual contribution by the member at
5 two percent interest plus interest dividends for all completed calendar
6 years *and for any completed calendar year for which the interest*
7 *dividend has not been declared and for completed months of partial-*
8 *ly completed calendar years at two percent interest plus the interest*
9 *dividend rate calculated for the previous year, compounded annual-*
10 *ly, from the end of the calendar year in which such contribution was*
11 *made to the first day of the month of such date.*

1 SEC. 11. Section ninety-seven B point forty-one (97B.41), subsection
2 fourteen (14), unnumbered paragraph one (1), Code 1975, is amended
3 to read as follows:

4 "Service" means uninterrupted service under this chapter by an em-
5 ployee, *except an elected official*, from the date he last entered em-
6 ployment of the employer until the date his employment shall be
7 terminated by death, retirement, resignation or discharge; provided,
8 however, the service of any employee shall not be deemed to be inter-
9 rupted by:

1 SEC. 12. Section ninety-seven B point forty-one (97B.41), subsection
2 fourteen (14), paragraph d, Code 1975, is amended to read as follows:

3 d. Temporary or seasonal interruptions in service such as service of
4 school bus drivers, schoolteachers under regular contract, interim teach-
5 ers or substitute teachers, instructors at Iowa State University of sci-

6 ence and technology, the state University of Iowa, or University of
 7 Northern Iowa, employees in state schools or hospital dormitories, or
 8 other positions when the temporary suspension of service does not ter-
 9 minate the period of employment of the employee, or *temporary em-*
 10 *ployees of the general assembly.*

1 SEC. 13. Section ninety-seven B point forty-one (97B.41), Code
 2 1975, is amended by adding the following new subsections:

3 NEW SUBSECTION. "Final five year average covered wage" means a
 4 member's covered wages averaged for five consecutive years of the
 5 member's last ten consecutive years which will produce the highest av-
 6 erage. If the member has not completed ten consecutive years then the
 7 actual years as a member shall be considered, and if the member has
 8 less than five consecutive years then the average over the actual num-
 9 ber of years as a member shall be used. For the purposes of this chap-
 10 ter the word "consecutive" means in sequence with respect to the years
 11 of service rendered as a member and not necessarily in sequence with
 12 respect to actual periods of time measured by the calendar.

13 NEW SUBSECTION. "Service" for an elected official means the period of
 14 membership service for which contributions are made beginning on the
 15 date an elected official assumes office and ending on the expiration
 16 date of the last term the elected official serves, excluding all the inter-
 17 vening periods during which the elected official is not an elected offi-
 18 cial.

1 SEC. 14. Section ninety-seven B point forty-three (97B.43), unnum-
 2 bered paragraphs two (2) and three (3), Code 1975, are amended to read
 3 as follows:

4 Any person with a record of thirty years as a public employee in the
 5 state of Iowa prior to July 1, 1947, and who is not eligible for prior ser-
 6 vice credit under other provisions of this section, shall be entitled to a
 7 credit for years of prior service in the determination of the retirement
 8 allowance payment under any of the provisions of this chapter, provid-
 9 ed such public employee makes application to the employment security
 10 commission for such credit for prior public service, accompanied by
 11 such verification of his claim as the commission may require. His al-
 12 lowance for prior service credits shall be computed in the same manner
 13 as otherwise provided in this section, but shall not exceed the sum of
 14 four hundred fifty dollars nor be less than three hundred dollars per
 15 annum. Any such person shall be entitled to receive retirement allow-
 16 ances ~~contributed~~ *computed* as provided by this chapter, effective from
 17 the date of application to the employment security commission, pro-
 18 vided such application is approved. *Beginning July 1, 1975 the*
 19 *amount of such person's retirement allowance payment received*
 20 *during June, 1975, as computed under this section shall be in-*
 21 *creased by two hundred percent and the allowance for prior service*
 22 *credits shall not exceed one thousand three hundred fifty dollars nor*
 23 *be less than nine hundred dollars per annum. There is appropriated*
 24 *from the general fund of the state to the employment security com-*
 25 *mission from funds not otherwise appropriated an amount suffi-*
 26 *cient to fund the provisions of this paragraph.*

27 Each individual who as of July 1, 1973, was an active, vested, or re-
 28 tired member and who (1) made application for and received a refund
 29 of contributions made under the abolished system or (2) has on deposit
 30 with the retirement fund his contributions made under the abolished
 31 system shall be entitled to credit for years of prior service in the deter-
 32 mination of retirement allowance payments by filing a written election
 33 with the commission between July 1, 1973, and July 1, 1974, and by re-

34 depositing any withdrawn contributions under the abolished system to-
 35 gether with interest as stated in this paragraph. Any individual who as
 36 of July 1, 1973, is a retired member and who made application for and
 37 received a refund of contributions made under the abolished system,
 38 may, by filing a written election with the commission between July 1,
 39 1973, and July 1, 1974, have the commission retain fifty percent of the
 40 monthly increase in retiree benefits that will accrue to the individual
 41 because of prior service. If the monthly increase in retirement benefits
 42 is less than ten dollars, the commission shall retain five dollars of the
 43 scheduled increase, and if the monthly increase is less than five dol-
 44 lars, the provisions of this paragraph shall not apply. The commission
 45 shall continue to retain such funds until the withdrawn contributions,
 46 together with interest accrued to July 1, 1973, have been repaid. Due
 47 notice of this provision shall be sent to all retired members as of July
 48 1, 1973. However, this paragraph shall not apply to any person who re-
 49 ceived a refund of any membership service contributions. The interest
 50 to be paid into the fund shall be compounded at the rates credited to
 51 member accounts from the date of payment of the refund of contribu-
 52 tions under the abolished system to the date the member redeposits the
 53 refunded amount. The provisions of the first paragraph of this section
 54 relating to the consideration given to credited amounts shall apply to
 55 the redeposited amounts or to amounts left on deposit. *Effective Jan-*
 56 *uary 1, 1976, the provisions of this paragraph shall apply to each in-*
 57 *dividual who as of January 1, 1976 was an active, vested, or retired*
 58 *member, but who was not in service on July 4, 1953. The period for*
 59 *filing the written election with the commission and redepositing*
 60 *any withdrawn contributions together with interest accrued to Jan-*
 61 *uary 1, 1976 shall be between January 1, 1976 and January 1, 1977.*
 62 *A member who is a retired member as of January 1, 1976 may file*
 63 *written election with the commission between January 1, 1976 and*
 64 *January 1, 1977 to have the commission retain fifty percent of the*
 65 *monthly increase as provided in this paragraph.*

1 SEC. 15. Section ninety-seven B point forty-five (97B.45), unnum-
 2 bered paragraph one (1), Code 1975, is amended to read as follows:
 3 A member's normal retirement date shall be the first of the month
 4 coinciding with or next following his sixty-fifth birthday. A member
 5 may retire after his sixty-fifth birthday except as otherwise provided in
 6 section 97B.46. A member retiring *on or* after his normal retirement
 7 date, as provided in section 97B.46, shall submit a written notice to the
 8 commission setting forth the date the retirement is to become effective,
 9 provided that such date shall be after his last day of service and not
 10 before the first day of the sixth calendar month preceding the month
 11 in which the notice is filed, except that credit for service shall cease
 12 when contributions cease as provided in section 97B.11.

1 SEC. 16. Section ninety-seven B point forty-six (97B.46), Code 1975,
 2 is amended to read as follows:

3 **97B.46 Service after age sixty-five.** A member may, on the re-
 4 quest of the employer, remain in the active employ of the employer
 5 beyond the date he attains the age of sixty-five for such period or peri-
 6 ods as the employer from time to time shall approve, provided, how-
 7 ever, that credit for such service shall cease when contributions cease as
 8 provided in section 97B.11. The member shall retire from the employ-
 9 ment of the employer at the end of the last approved period, on the
 10 first day of the month next following or coinciding with such date. A
 11 member remaining in service past his ~~seventy-second~~ *seventieth* birth-
 12 day shall be entitled to receive a retirement allowance under ~~subsec-~~

13 ~~tions 2 and 3~~ of section 97B.49 as *applicable* commencing with
 14 payment for the calendar month within which the written notice is sub-
 15 mitted to the commission, except that if he fails to submit the notice
 16 on a timely basis, retroactive payments shall be made for no more than
 17 six months immediately preceding the month in which the written no-
 18 tice is submitted.

1 SEC. 17. Section ninety-seven B point forty-eight (97B.48), subsec-
 2 tion three (3), Code 1975, is amended to read as follows:

3 3. If at any time after the first day of the month coinciding with or
 4 next following his fifty-fifth birthday and until his sixty-fifth birth-
 5 day, a member who is retired under this chapter is in regular full-time
 6 employment, his retirement allowance shall be suspended for as long as
 7 he remains in employment. However, employment shall not be regard-
 8 ed as full-time employment until he receives remuneration in an
 9 amount in excess of two thousand one hundred dollars for any calen-
 10 dar year. Effective the first of the month coinciding with or next fol-
 11 lowing his sixty-fifth birthday, a retired member shall be entitled to
 12 receive a retirement allowance after return to covered employment re-
 13 gardless of the amount of remuneration received. As of the first of the
 14 month coinciding with or next following the member's ~~seventy-second~~
 15 *seventieth* birthday, he shall be entitled to receive a retirement allow-
 16 ance determined under section 97B.49, regardless of the amount of re-
 17 muneration received. Upon any retirement after re-employment, a
 18 retired member shall be entitled to have his retirement allowance rede-
 19 termined under this section or sections 97B.49 or 97B.50, whichever is
 20 applicable, based upon the employee's and his employer's additional
 21 contributions, and any membership service of the employee after his
 22 re-employment and prior to his normal retirement date.

1 SEC. 18. Section ninety-seven B point forty-nine (97B.49), Code
 2 1975, is amended to read as follows:

3 **97B.49 Monthly payments of allowance.** Each member shall,
 4 upon retirement on or after his normal retirement date, be entitled to
 5 receive a monthly retirement allowance determined under subsections
 6 ~~1, 2, and 3~~ of this section. ~~Any retirement allowance which is in addi-~~
 7 ~~tion to the amount being paid to retired members as of June 30, 1973,~~
 8 ~~shall become effective with payments as of July 1, 1973. For members~~
 9 ~~retiring on and after July 1, 1973, the retirement allowance as deter-~~
 10 ~~mined herein shall commence on the effective date of retirement.~~

11 1. For each active member *employed before January 1, 1976, and*
 12 *retiring from employment on or after July 1, 1973 January 1, 1976,*
 13 *and for each member who became vested before January 1, 1976,*
 14 with four or more complete years of service, a formula benefit shall be
 15 determined *equal to the larger of the benefit determined under this*
 16 *subsection and subsection three (3) of this section as applicable, or*
 17 *the benefit determined under subsection five (5) of this section.* The
 18 amount of the monthly formula benefit for each such active member
 19 who retired on or after ~~July January 1, 1973~~ *January 1, 1976*, shall be equal to
 20 one-twelfth of one and fifty-seven hundredths percent per year of
 21 membership service multiplied by his average annual covered wages;
 22 but in no case shall the amount of monthly formula benefit accrued for
 23 membership service prior to July 1, 1967, be less than the monthly an-
 24 nuity at the normal retirement date determined by applying the sum
 25 of the member's accumulated contributions, his employer's matching
 26 accumulated contributions on or before June 30, 1967, and any retire-
 27 ment dividends standing to his credit on or before December 31, 1966,
 28 to the annuity tables in use by the commission with due regard to the

29 benefits payable from such accumulated contributions under sections
 30 97B.52 and 97B.53. Commencing July 1, 1973, for each member who re-
 31 tired and commenced receiving, or who became vested in, a retirement
 32 allowance before July 1, 1973, the amount of regular monthly retire-
 33 ment allowance attributable to membership service that he received,
 34 for June, 1973, or was vested in as of June 30, 1973, shall be increased
 35 in the same proportion as the increase granted under this subsection for
 36 active members retiring after July 1, 1973.

37 2. For each active *and vested* member retiring with less than four
 38 complete years of service and who therefore cannot have ~~his a~~ benefit
 39 determined under the formula benefit of subsection 1 *or subsection*
 40 *five (5)* of this section ~~and for each vested member~~ a monthly annuity
 41 for membership service shall be determined by applying the member's
 42 accumulated contributions and ~~his the~~ employer's ~~matching~~ accumulat-
 43 ed contributions as of ~~his the~~ effective retirement date and any retire-
 44 ment dividends standing to ~~his the member's~~ credit on or before
 45 December 31, 1966, to the annuity tables in use by the commission ac-
 46 cording to his age, determined as follows:

47 a. If his normal retirement date coincides with or follows July 1,
 48 1967, his age on his normal retirement date.

49 b. If his normal retirement date precedes July 1, 1967, and his effec-
 50 tive date of retirement coincides with or follows July 1, 1967, his age
 51 on July 1, 1967.

52 3. For each member *employed before January 1, 1976*, who has
 53 qualified for prior service credit in accordance with the first paragraph
 54 of section 97B.43, there shall be determined a benefit of eight-tenths of
 55 one percent per year of prior service credit multiplied by the monthly
 56 rate of the member's total remuneration not in excess of three thou-
 57 sand dollars annually during the twelve consecutive months of his
 58 prior service for which such total remuneration was the highest. An ad-
 59 ditional three-tenths of one percent of such remuneration not in excess
 60 of three thousand dollars annually shall be payable for prior service
 61 during each year in which the accrued liability for benefit payments
 62 created by the abolished system is funded by appropriation from the
 63 general fund of the state of Iowa as provided under section 97B.56.

64 4. For each active member retiring on or after June 30, 1973, and
 65 who has completed ten or more years of membership service, the total
 66 amount of monthly benefit payable at the normal retirement date for
 67 prior service and membership service shall not be less than fifty dollars
 68 per month. If benefits commence on an early retirement date, the
 69 amount of benefit shall be reduced in accordance with section 97B.50.
 70 If an optional allowance is selected under section 97B.51, the amount
 71 payable shall be the actuarial equivalent of the minimum benefit. An
 72 employee who is in employment on a school year or academic year ba-
 73 sis, will be considered to be an active member as of June 30, 1973, if he
 74 completes the 1972-1973 school year or academic year.

75 5. *For each active member retiring on or after January 1, 1976,*
 76 *with four or more complete years of service a monthly benefit shall*
 77 *be computed which is equal to one-twelfth of an amount equal to*
 78 *forty percent of the final five-year average covered wage multiplied*
 79 *by a fraction of years of service. For the purposes of this subsection,*
 80 *"fraction of years of service" means a number, not to exceed one,*
 81 *equal to the sum of the years of membership service and the number*
 82 *of years of prior service divided by thirty years.*

83 *If benefits under this subsection commence on an early retire-*
 84 *ment date, the amount of benefit shall be reduced in accordance*
 85 *with section ninety-seven B point fifty (97B.50).*

86 6. Beginning January 1, 1976, for each member who retired be-
 87 fore January 1, 1976, the amount of regular monthly retirement al-
 88 lowance attributable to membership service and prior service that
 89 was payable to the member for December, 1975 is increased by ten
 90 percent for the first calendar year or portion of a calendar year the
 91 member was retired, and by an additional five percent for each cal-
 92 endar year after the first calendar year the member was retired. The
 93 total increase shall not exceed one hundred percent. There is appro-
 94 priated from the general fund of the state to the employment securi-
 95 ty commission from funds not otherwise appropriated an amount
 96 sufficient to fund the provisions of this subsection.

97 7. Notwithstanding the provisions of this chapter, a member who
 98 is employed as a conservation peace officer under the provisions of
 99 section one hundred seven point thirteen (107.13) of the Code and
 100 who retires on or after January 1, 1976, and at the time of retire-
 101 ment is at least sixty years of age and has completed at least twenty-
 102 five years of membership service as a conservation peace officer,
 103 may elect to receive a monthly retirement allowance equal to one-
 104 twelfth of forty percent of the member's final five-year average cov-
 105 ered wage, with benefits payable during the member's lifetime.
 106 There is appropriated from the general fund of the state to the em-
 107 ployment security commission from funds not otherwise appropriat-
 108 ed an amount sufficient to pay the additional costs above the
 109 employee and employer contributions to pay for increased benefits
 110 to conservation peace officers under this subsection. The provisions
 111 of this subsection shall be effective July 1, 1976.

1 SEC. 19. Section ninety-seven B point fifty (97B.50), Code 1975, is
 2 amended to read as follows:

3 **97B.50 Payments when retired at fifty-five Early retire-**
 4 **ment.** A member shall upon retirement on his early retirement date
 5 be entitled to receive a monthly retirement allowance determined in
 6 the same manner as provided for normal retirement in ~~subsection sub-~~
 7 ~~sections 1, four (4) and five (5)~~ of section 97B.49 reduced by five-
 8 tenths of one percent per month for each month that the early retire-
 9 ment date precedes the normal retirement date.

1 SEC. 20. Section ninety-seven B point fifty-two (97B.52), Code
 2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. If the commission cannot locate the beneficiary
 4 within eighteen months following the member's death and receipt of
 5 verification that a certified letter with return receipt requested, ad-
 6 dressee only, has been delivered to the beneficiary, the commission
 7 shall pay to the estate of the deceased member the amount otherwise
 8 designated to be received by the beneficiary. If a beneficiary is known
 9 to exist but cannot be notified, the commission shall not pay the death
 10 benefits to the estate.

1 SEC. 21. Section ninety-seven B point fifty-three (97B.53), subsec-
 2 tion eight (8), Code 1975, is amended to read as follows:

3 8. If an employee hired to fill a permanent position terminates his
 4 employment within six months from the date of employment, the em-
 5 ployer may file a claim with the commission for a refund of the ~~match-~~
 6 ~~ing~~ funds contributed to the commission by the employer for the
 7 employee.

1 SEC. 22. Section ninety-seven B point sixty-one (97B.61), unnum-
 2 bered paragraph two (2), Code 1975, is amended to read as follows:

3 After accepting the actuarial methods and assumptions of the valua-

tion, the commission shall certify to the governor the contribution ~~rate~~ rates determined thereby as the ~~rate~~ rates necessary and sufficient ~~on~~ a matching basis for members and employers to fully fund the benefits and retirement allowances being credited for membership service and to make the accrued liability contributions in level installments required for prior service under section 97B.54.

SEC. 23. Section ninety-seven B point sixty-five (97B.65), Code 1975, is amended to read as follows:

97B.65 Revision rights reserved—increase of benefits—rates of contribution. The right is reserved to the general assembly to alter, amend, or repeal any provision of this chapter or any application thereof to any person, provided, however, that to the extent of the funds in the retirement system the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to any member of the system shall not be repudiated, provided further however, that the amount of benefits accrued on account of prior service shall be adjusted to the extent of any unfunded accrued liability then outstanding. Any increase enacted in benefits or retirement allowance under this chapter shall be accompanied by a change in the matching employer and employee contribution rate rates necessary to support such increase, all determined in accordance with sound actuarial principles and methods.

SEC. 24. Chapter ninety-seven B (97B), Code 1975, is amended by adding the following new section:

NEW SECTION. Intent of the general assembly. It is the intent of the general assembly that the contribution rates specified in section ninety-seven B point eleven (97B.11) of the Code be reviewed annually by the general assembly and that the contribution rates will be increased by action of the general assembly by an amount equal to one-tenth of one percent of the covered wages of each member of the system and by an amount equal to five-tenths of one percent of the covered wages of each member of the system paid by the employer for each year in which the growth of state general fund revenues for the fiscal year ending the preceding June thirtieth, adjusted for rate or basis, exceeds five and one-half percent until the contribution rate is equal to four percent of the covered wages of each member of the system and seven and twenty-five hundredths percent of the covered wages of each member of the system paid by the employer.

It is also the intent of the general assembly that the monthly benefit specified in section ninety-seven B point forty-nine (97B.49), subsection five (5), of the Code be reviewed annually by the general assembly and that the general assembly will consult with the Iowa public employees' retirement system division of the employment security commission and the consulting actuaries relating to the actuarial soundness of the system in order that the percent of the final five-year average covered wage used in determining monthly benefits will be increased by action of the general assembly as the contribution rates increase until the percent of the final five-year average covered wage used in determining monthly benefits equals fifty.

SEC. 25. Section two hundred ninety-four point nine (294.9), subsection two (2), Code 1975, is amended to read as follows:

2. From the proceeds of an annual tax levy, ~~not exceeding the amount produced in the current school year by the assessment of teachers as provided in the preceding paragraph of this section.~~

SEC. 26. Section two hundred ninety-four point fifteen (294.15), un-

2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 Any person having attained the age of sixty-five who shall have
5 been an employee, holding a valid teaching certificate, in the public
6 schools of this state with a record of service of twenty-five years or
7 more, including a maximum of five years out-of-state service followed
8 by at least ten years' service in this state prior to retirement and who
9 shall have retired prior to July 4, 1953, shall be entitled to receive re-
10 tirement allowance payments from the state of Iowa of one hundred
11 dollars per month *and beginning July 1, 1975, shall be entitled to re-*
12 *ceive two hundred dollars per month.* Such sums as are necessary to
13 meet this requirement shall be added to the retirement allowance pay-
14 ments, if any, now being received from the state of Iowa by individu-
15 als covered by the provisions of this section. No such person shall
16 receive retirement benefits from the state of more than ~~one~~ *two*
17 hundred dollars per month. The word "employee" as used herein shall
18 be construed to include persons who were state superintendents, county
19 superintendents, or deputy county superintendents.

1 SEC. 27. There is created a "salary adjustment fund" to be used to
2 segregate funds appropriated by the general assembly to be distributed
3 to various state departments to fund certain salary increases for des-
4 ignated state employees. Funds distributed from the salary adjustment
5 fund shall be subject to the approval of the governor and state comp-
6 troller.

1 SEC. 28. There is appropriated from the general fund of the state
2 to supplement other funds appropriated for salaries, support, mainte-
3 nance, equipment and miscellaneous by the general assembly to the
4 state board of regents and the following institutions for the fiscal year
5 beginning July 1, 1975, and ending June 30, 1976, to be used as fol-
6 lows:

7 1. So much as necessary to fund an average base salary increase of
8 seven percent of the base salaries of the faculty members paid during
9 the fiscal year beginning July 1, 1974, and ending July 1, 1975, to be
10 allocated to faculty members at the discretion of the state board of re-
11 gents.

12 2. So much as is necessary to be used to fund a mandatory cost-of-
13 living increase rounded to the nearest dollar divisible by the number of
14 payrolls paid annually for professional and scientific personnel and a
15 mandatory cost-of-living increase and any normal merit increase
16 rounded to the nearest dollar divisible by the number of payrolls paid
17 annually for all employees under the state board of regents merit sys-
18 tem except board office employees as follows:

19 a. For positions for which the annual compensation is less than sev-
20 en thousand dollars, an increase of ten percent.

21 b. For positions for which the annual compensation is less than four-
22 teen thousand dollars but equal to or greater than seven thousand dol-
23 lars, an increase of nine percent.

24 c. For positions for which the annual compensation is an amount
25 equal to or greater than fourteen thousand dollars, an increase of seven
26 percent.

27 However, the mandatory cost of living increase given an employee
28 shall equal one-half of that provided under the provisions of this sub-
29 section if the salary of the employee is in excess of the pay grade for
30 the classification to which the employee is assigned.

31 3. Miscellaneous and other expenses.

32	INSTITUTION	APPROPRIATION
33	State University of Iowa.....	\$4,068,200
34	State sanatorium.....	194,700
35	Hospital school.....	165,600
36	Psychopathic hospital.....	289,300
37	Hygienic laboratory.....	105,600
38	University hospitals.....	3,209,600
39	Iowa State University of	
40	science and technology.....	3,139,100
41	Experimental station.....	482,200
42	Cooperative extension service.....	558,400
43	University of Northern Iowa.....	1,399,600
44	School for the deaf.....	218,400
45	Iowa braille and sight-	
46	saving school.....	113,300

1 SEC. 29. There is appropriated from the general fund of the state
2 to the following institutions to finance a discretionary merit increase
3 for faculty, professional and scientific personnel under the state board
4 of regents, for the fiscal year beginning July 1, 1975, and ending June
5 30, 1976. The funds shall be distributed to the faculty, professional and
6 scientific personnel at the discretion of the state board of regents for
7 each institution:

8	INSTITUTION	AMOUNT
9	State University of Iowa.....	\$1,426,800
10	State sanatorium.....	15,700
11	Hospital school.....	28,200
12	Psychopathic hospital.....	61,400
13	Hygienic laboratory.....	18,400
14	University hospitals.....	120,100
15	Iowa State University of	
16	science and technology.....	1,152,100
17	Experimental station.....	148,400
18	Cooperative extension service.....	186,900
19	University of Northern Iowa.....	402,100
20	School for the deaf.....	33,400
21	Iowa braille and sight-	
22	saving school.....	14,000

1 SEC. 30. The salary schedule of the merit system and the executive
2 council exempt pay plan, provided for in section nineteen A point nine
3 (19A.9), subsection two (2), of the Code, as they exist on June 30, 1975,
4 shall be increased by the following percentages of salary rounded to
5 the nearest dollar amount divisible by twenty-six to provide for a cost
6 of living adjustment. All salaries of persons who are exempt from chap-
7 ter nineteen A (19A) of the Code and who are included in the state
8 comptroller's central payroll system and state board of regents office
9 employees shall receive a like increase consistent with appropriations
10 provided by the general assembly, except members of the general as-
11 sembly, board members and commission members, salaries of persons
12 set by the general assembly or set by the governor or the appointing
13 authority and employees designated under section nineteen A point
14 three (19A.3), subsection six (6), of the Code and employees under the
15 state board of regents merit system:

16 1. For positions for which the annual compensation is less than sev-
17 en thousand dollars, an increase of ten percent.

18 2. For positions for which the annual compensation is at least seven
19 thousand dollars but less than fourteen thousand dollars, an increase of
20 nine percent.

21 3. For positions for which the annual compensation is fourteen thou-
22 sand dollars or more, an increase of seven percent.

23 However, the mandatory cost of living increase given an employee
24 shall equal one-half of that provided under the provisions of this sec-
25 tion if the salary of the employee is in excess of the pay grade for the
26 classification to which the employee is assigned.

1 SEC. 31. There is appropriated from the general fund of the state
2 to a "salary adjustment fund", created by this Act, the following
3 amount for the fiscal year beginning July 1, 1975, and ending June 30,
4 1976, or so much thereof as may be necessary, to be distributed to each
5 department to the extent that funds have not been appropriated to the
6 department sufficient to implement the minimum cost-of-living in-
7 crease for positions to be made on July 1, 1975, to supplement appro-
8 priations of the various state departments to implement the ad-
9 justment of the June 30, 1975, pay plans under the cost of living ad-
10 justments of section thirty (30) of this Act, for the fiscal year beginning
11 July 1, 1975, and ending June 30, 1976: \$10,200,000.

1 SEC. 32. There is appropriated from the general fund of the state
2 to a "salary adjustment fund", created by this Act, the following
3 amount for the fiscal year beginning July 1, 1975, and ending June 30,
4 1976, or so much thereof as may be necessary, to be distributed to vari-
5 ous departments to supplement other funds appropriated by the gener-
6 al assembly. This amount shall be used to fund position adjustments to
7 merit system employee positions established pursuant to chapter nine-
8 teen A (19A) of the Code, determined by the merit employment com-
9 mission to be made in addition to the cost-of-living adjustments to
10 positions under section thirty (30) of this Act, for the fiscal year begin-
11 ning July 1, 1975, and ending June 30, 1976: \$1,150,000.

1 SEC. 33. There is appropriated from the road use tax fund to the
2 state department of transportation, the following amount for the fiscal
3 year beginning July 1, 1975, and ending June 30, 1976, or so much
4 thereof as may be necessary, to supplement other funds appropriated
5 by the general assembly. This amount shall be used to fund position
6 adjustments to merit system employee positions established pursuant
7 to chapter nineteen A (19A) of the Code, determined by the merit em-
8 ployment commission to be made in addition to the cost-of-living ad-
9 justments to positions under section thirty (30) of this Act, for the
10 fiscal year beginning July 1, 1975, and ending June 30, 1976: \$30,000.

1 SEC. 34. There is appropriated from the primary road fund to the
2 state department of transportation the following amount for the fiscal
3 year beginning July 1, 1975, and ending June 30, 1976, or so much
4 thereof as may be necessary, to supplement other funds appropriated
5 by the general assembly. This amount shall be used to fund position
6 adjustments to merit system employee positions established pursuant
7 to chapter nineteen A (19A) of the Code, determined by the merit em-
8 ployment commission to be made in addition to the cost-of-living ad-
9 justments to positions under section thirty (30) of this Act, for the
10 fiscal year beginning July 1, 1975, and ending June 30, 1976: \$500,000.

1 SEC. 35. There is appropriated from the general fund of the state
2 to a "salary adjustment fund", created by this Act, the following
3 amount or so much thereof as may be necessary, for the fiscal year be-
4 ginning July 1, 1975, and ending June 30, 1976, to be distributed to
5 various departments to supplement other funds appropriated by the

6 general assembly. Funds appropriated under this section shall be used
 7 to supplement other funds appropriated by the general assembly to
 8 fund increases to salaries of the chief justice and each justice of the su-
 9 preme court, the chief district court judges, all district court judges and
 10 associate judges, all full-time and part-time judicial magistrates, the
 11 code editor, court administrator, clerk of the supreme court and the le-
 12 gal assistants to the supreme court, the chairman and members of the
 13 public employment relations board: \$635,000.

1 SEC. 36. There is appropriated from the road use tax fund to the
 2 state department of transportation, for the fiscal year beginning July
 3 1, 1975, and ending June 30, 1976, the following amount or so much
 4 thereof as necessary to pay to employees of the state department of
 5 transportation who are eligible to be paid from the road use tax fund
 6 and who are eligible to receive the cost-of-living increase provided for
 7 in section thirty (30) of this Act: \$269,700.

1 SEC. 37. There is appropriated from the primary road fund to the
 2 state department of transportation, for the fiscal year beginning July
 3 1, 1975, and ending June 30, 1976, the following amount or so much
 4 thereof as necessary to pay to the employees of the state department of
 5 transportation who are eligible to be paid from prorated primary road
 6 funds as provided in section three hundred seven point twenty-eight
 7 (307.28) of the Code and who are eligible to receive the cost-of-living
 8 increase provided for in section thirty (30) of this Act: \$4,537,500.

1 SEC. 38. Funds provided in section thirty-one (31) of this Act shall
 2 relate to salaries supported from general fund appropriations and shall
 3 not be construed to replace revolving, federal, trust or special funds
 4 where applicable.

1 SEC. 39. To departmental revolving, trust or special funds, except
 2 the primary road fund or the road use tax fund, for which the general
 3 assembly has established an operating budget, a supplemental authori-
 4 zation is hereby provided from those funds, unless otherwise provided,
 5 in an amount necessary to fund the salary adjustments provided in sec-
 6 tion thirty (30) of this Act and position adjustments to merit system
 7 employee positions established pursuant to chapter nineteen A (19A) of
 8 the Code, determined by the merit employment commission to be
 9 made in addition to the cost-of-living adjustments to positions under
 10 section thirty (30) of this Act.

1 SEC. 40. There is appropriated to the state comptroller for the fis-
 2 cal year beginning July 1, 1975, and ending June 30, 1976, the follow-
 3 ing amounts, or so much thereof as necessary, to finance an increase in
 4 the amount financed with state funds for the single person premium
 5 cost approved by the commissioner of insurance, for the medical and
 6 health group insurance programs for each member of the merit system
 7 and the executive council exempt pay plan, provided for in section
 8 nineteen A point nine (19A.9), subsection two (2) of the Code, all sala-
 9 ries of persons who are exempt from chapter nineteen A (19A) of the
 10 Code who are included in the state comptroller's central payroll system
 11 and the state board of regents office employees, employees of the Iowa
 12 School for the Deaf and of the Iowa Braille and Sight-Saving School
 13 and salaries of persons set by the governor, general assembly or ap-
 14 pointing authority.

15 The following amounts are appropriated to finance an increased con-
 16 tribution for each employee eligible to be paid a portion of the single
 17 person premium cost per month, approved by the commissioner of in-

18 surance for the medical and health group insurance programs during
 19 the fiscal year beginning July 1, 1975 and ending June 30, 1976, as fol-
 20 lows:

21 1. From the primary road fund to pay for permanent full-time state
 22 employees eligible for insurance premiums payments from the funds:
 23 \$114,000.

24 2. From the road use tax fund to pay for permanent full-time state
 25 employees eligible for insurance premium payments from the fund:
 26 \$6,000.

27 3. From departmental revolving, trust or special funds so much as
 28 necessary as computed by the comptroller to pay for permanent full-
 29 time employees eligible to be paid a portion of the single person pre-
 30 mium cost, approved by the commissioner of insurance, for medical
 31 and health group insurance programs, from such funds. This suppl-
 32 mental authorization is provided from those funds for which the gener-
 33 al assembly has established an operating budget, unless otherwise
 34 provided, in an amount necessary for the medical and health insurance
 35 programs.

36 4. From the general fund of the state for all other eligible full-time
 37 state employees: \$210,000.

1 SEC. 41. The provisions of this Act shall be effective January 1, 1976
 2 except that sections two (2), fourteen (14), twenty-six (26), and twenty-
 3 seven (27) through forty (40), inclusive, shall be effective July 1, 1975
 4 except as otherwise provided in this Act.

Approved July 13, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 51

ITEM VETO APPEAL FEES

H. F. 911

AN ACT appropriating funds for certain legal fees.

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

1 SECTION 1. There is appropriated to the state comptroller from the
 2 general fund of the state for the fiscal year beginning July 1, 1975 and
 3 ending June 30, 1976 the sum of three thousand eight hundred (3,800)
 4 dollars, or so much thereof as may be necessary, to be used to pay le-
 5 gal expenses of the appellants in *Welden, et al. v. Ray, et al.*, docket
 6 number 20-2-57321, filed by the supreme court on May 12, 1975. The
 7 attorneys of record shall submit to the state comptroller in the manner
 8 required by the state comptroller the claim for such legal expenses.
 9 The state comptroller shall pay to the attorneys of record the amount
 10 claimed upon receipt of such claim.

Approved July 14, 1975

CHAPTER 52

MISSOURI RIVER PROJECT

S. F. 579

AN ACT making an appropriation for the state's contribution for the support of the Missouri River riverfront project.

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 to the state conservation commission for the fiscal year beginning July
3 1, 1975 and ending June 30, 1976 the sum of thirty thousand (30,000)
4 dollars, or so much thereof as is necessary, to be used for the state's
5 contribution for the support of the Missouri River riverfront project.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 53

FUNDING OF EMPLOYMENT POSITIONS

S. F. 562

AN ACT relating to the funding of certain employment positions.

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

1 SECTION 1. Senate File four hundred twenty-six (426)*, section two
2 (2), as enacted by the Sixty-sixth General Assembly, is amended to
3 read as follows:

4 Sec. 2. The funds appropriated by section one (1) of this Act shall
5 be used to pay salaries and for support for a ~~table of organization~~ of
6 not more than one hundred twenty-nine permanent full-time positions.

1 SEC. 2. Senate File four hundred sixty-four (464)**, section one (1),
2 subsection two (2), paragraph b, as enacted by the Sixty-sixth General
3 Assembly, is amended to read as follows:

4 b. Funds appropriated by this subsection shall be used to pay sala-
5 ries and support for a ~~table of organization~~ of not more than nine per-
6 manent full-time positions.

1 SEC. 3. Senate File five hundred six (506)***, section five (5), as en-
2 acted by the Sixty-sixth General Assembly, is amended to read as fol-
3 lows:

4 Sec. 5. The funds appropriated by subsection one (1) of section one
5 (1) of this Act shall, except for administration personnel, be used to
6 pay salaries and for support for a ~~table of organization~~ of not more
7 than one hundred fifty-nine permanent full-time positions. The funds
8 appropriated by subsection two (2) of section one (1) of this Act shall,
9 except for administration personnel, be used to pay salaries and sup-
10 port for a ~~table of organization~~ of not more than two hundred twenty-

*Ch 59

**Ch 30

***Ch 17

11 eight permanent full-time positions. The funds appropriated by subsec-
 12 tion three (3) of section one (1) of this Act shall be used to pay the sal-
 13 ary and support for not more than one permanent full-time position.
 14 The funds transferred for the administration fund pursuant to subsec-
 15 tions one (1) and two (2) of section one (1) of this Act shall be used to
 16 pay salaries and for support for a ~~combined administration table of or-~~
 17 ~~ganization for both the division of lands and waters and division of~~
 18 ~~fish and game~~ of not more than one hundred five permanent full-time
 19 positions.

1 SEC. 4. House File four hundred fifty-five (455)*, section two (2), as
 2 enacted by the Sixty-sixth General Assembly, is amended by striking
 3 the section and inserting in lieu thereof the following:

4 NEW SECTION. The funds appropriated to the geological survey gen-
 5 eral office under subparagraph one (1) of paragraph a of subsection
 6 three (3) of section one (1) of this Act shall be used to pay salaries for
 7 not more than twenty-eight permanent full-time positions. The funds
 8 appropriated to the geological survey, Iowa coal research project, for
 9 salaries under subparagraph one (1) of paragraph b of subsection three
 10 (3) of section one (1) of this Act shall be used to pay salaries for not
 11 more than four permanent full-time positions. The funds appropriated
 12 to the Iowa natural resources council for salaries under paragraph a of
 13 subsection four (4) of section one (1) of this Act shall be used to pay
 14 salaries for not more than twenty-six permanent full-time positions.

1 SEC. 5. House File seven hundred eighty (780)**, section six (6),
 2 subsection three (3), as enacted by the Sixty-sixth General Assembly, is
 3 amended to read as follows:

4 3. Funds appropriated by subsection two (2) of section one (1) and
 5 section two (2) of this Act to the department of agriculture shall be
 6 used to pay salaries and support for a ~~table of organization~~ of not
 7 more than three hundred two permanent full-time positions.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

*Ch 28

**Ch 34

CHAPTER 54

REVOLUTION BICENTENNIAL

S. F. 353

AN ACT making an appropriation from the general fund of the state to the Iowa American
 revolution bicentennial commission.

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

1 SECTION 1. The members of the Sixty-sixth General Assembly, hav-
 2 ing been elected to serve during the observance of America's bicenten-
 3 nial, recognize the importance of many of the ideas associated with the
 4 American revolution in the development of Iowa. An awareness of this
 5 heritage and of the opportunities that lie ahead is essential to main-
 6 taining and improving the quality of life that Iowans have enjoyed
 7 and deserve. It is the intent of this General Assembly that the funds

8 appropriated by this Act be used to encourage maximum participation
9 by Iowans in activities commemorating the historic events of the
10 American revolutionary period and the heritage of this state, and in
11 projects developing new directions and opportunities for Iowa's future.

1 SEC. 2. There is appropriated from the general fund of the state to
2 the Iowa American revolution bicentennial commission for the fiscal
3 year beginning July 1, 1975 and ending June 30, 1976, the sum of two
4 hundred thousand (200,000) dollars, or so much thereof as is necessary
5 to be used for bicentennial projects endorsed by the Iowa American
6 revolution bicentennial commission. Funds appropriated by this Act
7 shall be allocated by the commission to bicentennial projects only if
8 matched by an equal amount of money raised by the sponsors of the
9 bicentennial project from other sources.

1 SEC. 3. All federal and private grants to and the receipts of the
2 Iowa American revolution bicentennial commission are appropriated
3 for the purpose set forth in the federal grants or receipts.

1 SEC. 4. Notwithstanding the provisions of section eight point thirty-
2 three (8.33) of the Code, all unencumbered or unobligated balances
3 of appropriations made by this Act for the fiscal year beginning July
4 1, 1975 and ending June 30, 1976 shall revert to the general fund on
5 August 31, 1976. In all other respects the provisions of section eight
6 point thirty-three (8.33) of the Code shall apply to this Act.

Approved July 15, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 55

BICENTENNIAL BAND PARTICIPATION

S. F. 567

AN ACT making an appropriation to the Iowa American revolution bicentennial commission to finance the participation of Iowa musical groups in honor of Iowa statehood at the Kennedy center for the performing arts in Washington, D.C.

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

1 SECTION 1. There is appropriated for the fiscal year ending June 30,
2 1976 from the general fund of the state, the sum of seventeen thousand
3 (17,000) dollars, or so much thereof as is necessary, to the Iowa bicen-
4 tennial commission. Funds appropriated by this Act shall be used to
5 pay expenses including, but not limited to transportation, lodging,
6 equipment, supplies, mailings, telephone, and honorarium costs in-
7 curred in participating in a performance to honor Iowa composers and
8 Iowa statehood at the Kennedy Center for the Performing Arts located
9 in Washington, D.C., to be held on May 31, 1976. Funds appropriated
10 by this Act shall be used to pay the expenses of an Iowa choral group,
11 chamber music group, and soloists and duos. Costs incurred shall be
12 subject to the same budgetary procedures as are other costs of the Iowa
13 American revolution bicentennial commission. Unencumbered or unob-
14 ligated funds appropriated by this Act remaining on June 30, 1976
15 shall revert to the general fund of the state on August 31, 1976.

Approved July 15, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 56

ENERGY RESEARCH

S. F. 289

AN ACT to create an energy research and development fund within the energy policy council and making an appropriation.

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

1 SECTION 1. Chapter ninety-three (93), Code 1975, is amended by
2 adding the following new sections:

3 NEW SECTION. **Energy research and development fund.** There is
4 created within the council an energy research and development fund.
5 Moneys deposited in the fund shall be used for the research and devel-
6 opment of projects designated to improve Iowa's energy situation by
7 developing improved methods of energy conservation, by enabling
8 Iowans to better manage available energy resources, or through the in-
9 creased development and use of Iowa's renewable or nonrenewable en-
10 ergy resources. Said projects will be selected by the council with the
11 advice of knowledgeable persons appointed by the council to provide
12 assistance.

13 NEW SECTION. **Additional funds.** The council may accept funds
14 from state and local sources and shall take steps necessary to obtain
15 federal funds allotted and appropriated for the purpose of the above
16 described energy-related programs. Such funds shall be deposited in
17 the energy research and development fund. Federal funds received un-
18 der the provisions of this section are appropriated for the purposes set
19 forth in the federal grants.

1 SEC. 2. There is appropriated from the general fund of the state for
2 the fiscal year commencing July 1, 1975 and ending June 30, 1976, to
3 the energy policy council, the sum of two hundred fifty thousand
4 (250,000) dollars, or so much thereof as may be necessary, to carry out
5 the purposes of this Act. Any unobligated balance of funds as of June
6 30, 1976 appropriated by this section shall revert to the credit of the
7 general fund on August 31, 1976.

Approved July 15, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 57

CAMPAIGN FINANCE DISCLOSURE COMMISSION, BANKING, BEER AND LIQUOR,
INSURANCE AND REAL ESTATE DEPARTMENTS

H. F. 431

AN ACT making an appropriation to the campaign finance disclosure commission, amending laws relating to the administration of the campaign finance laws and providing penalties, and making appropriations to state regulatory agencies for the regulation of banking, beer and liquor control, insurance, real estate, and those subjects regulated by the secretary of state.

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 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to

3 the following agencies the following amounts, or so much thereof as
 4 may be necessary, to be used for the following purposes:

5	1. DEPARTMENT OF BANKING	
6	For salaries, support, maintenance, and miscellaneous purposes	
7	.....	\$1,739,719
8	2. IOWA BEER AND LIQUOR CONTROL DEPARTMENT	
9	For salaries, support, maintenance, and miscellaneous purposes	
10	.....	\$9,228,360
11	3. CAMPAIGN FINANCE DISCLOSURE COMMISSION	
12	For salaries, support, maintenance, and miscellaneous purposes	
13	.....	\$ 49,550
14	4. INSURANCE DEPARTMENT OF IOWA	
15	For salaries, support, maintenance, and miscellaneous purposes	
16	.....	\$1,233,104
17	5. IOWA REAL ESTATE COMMISSION	
18	For salaries, support, maintenance, and miscellaneous purposes	
19	.....	\$ 144,456
20	6. OFFICE OF SECRETARY OF STATE	
21	For salaries, support, maintenance, and miscellaneous purposes	
22	.....	\$ 410,200

1 SEC. 2. Section forty-three point eighteen (43.18), Code 1975, is
 2 amended to read as follows:

3 **43.18 Affidavit by candidate.** Every candidate shall make and
 4 file an affidavit in substantially the following form:

5 "I,....., being duly sworn, say that I reside
 6 at.....street, city of....., county
 7 of.....in the state of Iowa; that I am eligible
 8 to the office for which I am a candidate, and that the political party
 9 with which I affiliate is the.....party; that I am a candidate
 10 for nomination to the office of.....to be made at the primary
 11 election to be held on....., and hereby request that my name be
 12 printed upon the official primary ballot as provided by law, as a candi-
 13 date of that party. I furthermore declare that if I am nominated and
 14 elected I will qualify as such officer.

15 *I am aware that I am required to organize a candidate's commit-*
 16 *tee which shall file an organization statement and disclosure re-*
 17 *ports if it receives contributions, makes expenditures, or incurs*
 18 *indebtedness in excess of one hundred dollars for the purpose of sup-*
 19 *porting my candidacy for public office.*

20 (Signed).....
 21 Subscribed and sworn to (or affirmed) before me by.....on
 22 this.....day of.....,19.....
 23
 24 (Name)
 25
 26 (Official title)

1 SEC. 3. Section forty-four point three (44.3), Code 1975, is amended
 2 by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The affidavit required to be filed un-
 4 der the provisions of this section shall include a statement in substan-
 5 tially the following form:

6 I am aware that I am required to organize a candidate's committee
 7 which shall file an organization statement and disclosure reports if it
 8 receives contributions, makes expenditures, or incurs indebtedness in

9 excess of one hundred dollars for the purpose of supporting my candi-
10 dacy for public office.

1 SEC. 4. Section forty-five point three (45.3), Code 1975, is amended
2 by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The affidavit required to be filed un-
4 der the provisions of this section shall include a statement in substan-
5 tially the following form:

6 I am aware that I am required to organize a candidate's committee
7 which shall file an organization statement and disclosure reports if it
8 receives contributions, makes expenditures, or incurs indebtedness in
9 excess of one hundred dollars for the purpose of supporting my candi-
10 dacy for public office.

1 SEC. 5. Section fifty-six point two (56.2), Code 1975, is amended by
2 striking subsection six (6) and inserting in lieu thereof the following:

3 6. "Political committee" means a committee, but not a candidate's
4 committee, which shall consist of persons organized for the purpose of
5 accepting contributions, making expenditures, or incurring indebted-
6 ness in the aggregate of more than one hundred dollars in any one cal-
7 endar year for the purpose of supporting or opposing a candidate for
8 public office or ballot issue.

1 SEC. 6. Section fifty-six point two (56.2), Code 1975, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. "Candidate's committee" means the committee
4 designated by the candidate to receive contributions, expend funds, or
5 incur indebtedness in excess of one hundred dollars in any calendar
6 year on behalf of the candidate.

7 NEW SUBSECTION. "Committee" includes a political committee and a
8 candidate's committee.

9 NEW SUBSECTION. "Disclosure report" means a statement of contribu-
10 tions received, expenditures made, and indebtedness incurred on forms
11 prescribed by the commission and approved by the administrative rules
12 review committee.

1 SEC. 7. Section fifty-six point four (56.4), Code 1975, is amended to
2 read as follows:

3 **56.4 Reports filed with commissioner commission.** All state-
4 ments and reports required to be filed under this chapter for a federal
5 or state office shall be filed with the state commissioner commission.
6 All statements and reports required to be filed under this chapter for a
7 county, city or school office shall be filed with the commissioner. State
8 statutory political committees shall file all statements and reports with
9 the state commissioner commission. All other statutory political com-
10 mittees shall file the statements and reports with the appropriate com-
11 missioner with a copy sent to the state commissioner commission.

12 *Political committees supporting or opposing candidates for both*
13 *federal office and any elected office created by law or the Constitu-*
14 *tion of the state of Iowa shall file statements and reports with the*
15 *commission in addition to any federal reports required to be filed*
16 *with the secretary of state.*

1 SEC. 8. Section fifty-six point five (56.5), Code 1975, is amended to
2 read as follows:

3 **56.5 Organization statement.**

4 1. Every political committee which receives or expends any amount
5 of money, as defined in this chapter, shall file a statement of organi-
6 zation within ten days from the date of its organization. For the pur-

7 poses of this section, "political committee" means a person or
8 committee, but not a candidate, including a statutory committee which
9 accepts any contributions or makes any expenditures for the purpose of
10 supporting or opposing a candidate for public office.

11 2. The statement of organization shall include:

12 a. The name and mailing address of the political committee.

13 b. The name, mailing address, and position of the political commit-
14 tee officers.

15 c. The name, mailing address, and position of the custodian of rec-
16 ords and accounts.

17 d. The name, address, office sought, and the party affiliation of all
18 candidates whom the political committee is supporting and if the polit-
19 ical committee is supporting the entire ticket of any party, the name of
20 the party.

21 e. The disposition of funds which will be made in the event of disso-
22 lution if the committee is not a statutory committee.

23 f. Such other information as may be required by this chapter or rules
24 adopted pursuant to this chapter.

25 g. A signed statement by the candidate or an officer the treasurer of
26 the political party committee which shall be in the following form:

27 "I am aware that I am required to file additional disclosure reports
28 if I receive the committee receives contributions, or expend more
29 than makes expenditures, or incurs indebtedness in excess of one
30 hundred dollars in a calendar year for the purpose of supporting or
31 opposing any candidate for public office or ballot issue."

32 3. Any change in information previously submitted in a statement of
33 organization or notice in case of dissolution of the political committee
34 shall be reported to the state commissioner commission or commissioner
35 not more than thirty days from the date of the change or dissolu-
36 tion.

37 4. All affidavits of candidacy required by law shall contain a sworn
38 statement by the candidate in substantially the following form:

39 "I am aware that I am required to file additional reports if I receive
40 or expend more than one hundred dollars for the purpose of supporting
41 or opposing any candidate for public office."

1 SEC. 9. Section fifty-six point five (56.5), Code 1975, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. A list, by office and district, of all candidates
4 who have filed an affidavit of candidacy in the office of the secretary
5 of state shall be prepared by the secretary of state and delivered to the
6 commission not more than ten days after the last day for filing nomi-
7 nation papers.

1 SEC. 10. Section fifty-six point six (56.6), Code 1975, is amended to
2 read as follows:

3 **56.6 Reports of contributions Disclosure reports.**

4 1. Each treasurer of a political committee shall file with the state
5 commissioner commission or commissioner disclosure reports of contri-
6 butions received and disbursed on forms prescribed by the state com-
7 missioner rules as provided by chapter seventeen A (17A) of the
8 Code. The reports from all committees, except those committees for
9 municipal and school elective offices, shall be filed on the twentieth
10 twenty-fifth day or mailed by certified mail by the twenty-fourth
11 day of January, May, July, and October of each year. The January
12 and July reports report shall be current to the end of the month pre-
13 ceding the filing. The May, July, and October reports shall be current
14 as of five days prior to the filing deadline. The January report shall be

15 the annual report. ~~Reports from political committees~~ *Committees* for
 16 municipal and school elective offices shall file reports five days prior to
 17 any election in which the name of the candidate which they support or
 18 oppose appears on the printed ballot and thirty days following the
 19 ~~general or run-off~~ *final election in a calendar year in which the candi-*
 20 *date's name appears on the ballot. These reports shall be current*
 21 *to five days prior to the filing deadline. A state statutory political*
 22 *committee and congressional district committees as authorized by*
 23 *the constitution of the state statutory political committee shall not*
 24 *be subject to the provisions of this subsection if the state statutory*
 25 *political committee files copies of campaign disclosure reports as re-*
 26 *quired by federal law with the commission at such times as the re-*
 27 *ports are required to be filed under federal law, provided that the*
 28 *federal reports contain all information required by this chapter.*

29 2. If any ~~political~~ committee, after having filed ~~one or more state-~~
 30 ~~ments~~ a statement of organization, or one or more disclosure reports
 31 dissolves or determines that it shall no longer receive contributions or
 32 make disbursements, the treasurer of the ~~political~~ committee shall noti-
 33 fy the ~~state commissioner~~ *commission* or the commissioner within thirty
 34 days following such dissolution by filing a dissolution report on
 35 forms prescribed by the ~~state commissioner~~ *commission*. Moneys re-
 36 funded in accordance with a dissolution statement shall ~~not~~ be consid-
 37 ered a disbursement or expense ~~and~~ *but* the names of persons receiving
 38 refunds ~~shall~~ *need* not be released or reported unless the contributors'
 39 names were required to be reported when the contribution was received.

40 3. Each report under this section shall disclose:

41 a. The amount of cash on hand at the beginning of the reporting pe-
 42 riod.

43 b. The name and mailing address of each person who has made one
 44 or more contributions of money to the ~~political~~ committee including
 45 the proceeds ~~or contributions~~ from any fund-raising events *except*
 46 *those reportable under paragraph g of this subsection*, when the ag-
 47 gregate amount in a calendar year exceeds the amount specified in the
 48 following schedule:

49 (1) For any candidate for school or township office	\$ 25
50 (2) For any candidate for city office	\$ 25
51 (3) For any candidate for county office	\$ 25
52 (4) For any candidate for the general assembly	\$ 50
53 (5) For any candidate for the Congress of the United States	\$100
54 (6) For any candidate for statewide office	\$100
55 (7) For any state statutory political committee	\$100
56 (8) For any county statutory political committee	\$ 50
57 (9) <i>For any ballot issue</i>	\$ 25

58 c. The total amount of contributions made to the ~~political~~ commit-
 59 tee during the reporting period and not reported under paragraph "b"
 60 of this subsection.

61 d. *The name and mailing address of each person who has made*
 62 *one or more in kind contributions to the committee when the aggre-*
 63 *gate market value of the in kind contribution in a calendar year ex-*
 64 *ceeds the amount specified in subsection three (3), paragraph b, of*
 65 *this section. In kind contributions shall be designated on a separate*
 66 *schedule from schedules showing contributions of money.*

67 e. The name and address of each ~~political~~ committee from which
 68 the reporting committee received or to which that committee trans-
 69 ferred funds, together with the amounts and date of such receipts or
 70 disbursements.

71 e f. Each loan to or from any person within the calendar year in an

72 aggregate amount in excess of those amounts enumerated in the sched-
 73 ular in paragraph "b" of this subsection, together with the name and
 74 mailing address of the lender and endorsers and the date and amount
 75 of such loans. A state or county statutory political committee shall re-
 76 port the name and mailing address of each person who has made one
 77 or more loans in an aggregate amount in excess of one hundred dollars.

78 § g. The total amount of proceeds ~~or contributions~~ from any fund-
 79 raising event. *Contributions and sales at fund-raising events which*
 80 *involve the sale of a product acquired at less than market value and*
 81 *sold for an amount of money in excess of the amount specified in*
 82 *paragraph b of this subsection shall be designated separately from*
 83 *in kind and monetary contributions and the report shall include the*
 84 *name and address of the donor, a description of the product, the*
 85 *market value of the product, the sales price of the product, and the*
 86 *name and address of the purchaser.*

87 § h. The name and mailing address of each person to whom dis-
 88 bursements have been made by the ~~political~~ committee from contribu-
 89 tions during the reporting period and the amount and date of each
 90 disbursement except that disbursements of less than five dollars may be
 91 shown as miscellaneous disbursements so long as the aggregate miscel-
 92 laneous disbursements to any one person during a calendar year do not
 93 exceed one hundred dollars.

94 § i. The amount and nature of debts and obligations owed in excess
 95 of those amounts stated in the schedule in paragraph "b" of this sec-
 96 tion by or to the ~~political~~ committee, ~~in such form as the state commis-~~
 97 ~~sioner may prescribe and a continuous reporting of its debts and~~
 98 ~~obligations following the election at such times as the state commis-~~
 99 ~~sioner may require until such debts and obligations are paid.~~

100 § j. Such other information as may be required by this chapter or
 101 rules adopted pursuant to this chapter.

102 § k. The aggregate amount received by a candidate or an officehold-
 103 er in any form of an honorarium in excess of those amounts enumerat-
 104 ed in the schedule in paragraph "b" of this subsection.

105 4. The reports required to be filed by this section shall be cumulative
 106 during the calendar year, but where there has been no change in an
 107 item reported in a previous report during the year, only the amount
 108 shall be carried forward. If no contributions have been accer'ed nor
 109 any disbursements made *or indebtedness incurred* during that report-
 110 ing period, the treasurer of the ~~political~~ committee shall also be re-
 111 quired to file a *disclosure statement which shows only the amount of*
 112 *cash on hand at the beginning of the reporting period. A candidate*
 113 *who does not receive or expend an amount of money in excess of one*
 114 *hundred dollars shall not be required to file disclosure statements.*

1 SEC. 11. Section fifty-six point six (56.6), Code 1975, is amended by
 2 adding the following new subsection:

3 NEW SUBSECTION. A committee shall not dissolve until all debts and
 4 obligations are paid or transferred and the remaining money in the ac-
 5 count is distributed according to the organization statement.

1 SEC. 12. Section fifty-six point eight (56.8), Code 1975, is amended
 2 to read as follows:

3 **56.8 Commissioner of elections Commission—duties.**

4 1. The ~~state commissioner~~ *commission* shall:

5 a. Develop forms for the filing of reports and statements required to
 6 be filed under this chapter.

7 b. Furnish the necessary forms to persons required to file reports and
 8 statements and to the commissioners.

9 c. Distribute the necessary forms to each commissioner to be fur-
10 nished to persons required to file reports and statements.

11 ~~d. Recommend rules to the commission to carry out the provisions of~~
12 ~~this chapter.~~

13 2. The commissioners shall furnish the necessary forms to persons re-
14 quired to file reports and statements in their office.

15 3. The ~~state commissioner~~ *commission* and the commissioner shall:

16 a. Make the reports and statements filed available for public inspec-
17 tion and copying, not later than the end of the day following the day
18 during which a report or statement was received. There may be a
19 charge ~~for the actual cost of~~ *which shall be established by rule as pro-*
20 *vided under chapter seventeen A (17A) of the Code for copying these*
21 *reports and statements. Upon receipt of payment, the commission*
22 *shall mail copies of reports to persons requesting them.* Information
23 copied from reports and statements shall not be ~~sold~~ used by any per-
24 son *other than statutory political committees* for the purpose of solici-
25 ting contributions or for any commercial purpose.

26 b. Preserve the reports and statements for a period of five years from
27 the date of receipt.

28 c. Prepare and publish such other reports as may be deemed appro-
29 priate.

1 SEC. 13. Section fifty-six point nine (56.9), subsection four (4), Code
2 1975, is amended to read as follows:

3 4. The commission shall employ *a full-time executive secretary*
4 *who shall be the chief administrative officer and* such personnel as
5 are necessary to carry out the duties of the commission; ~~consistent with~~
6 ~~the provisions of chapter 19A and subject to the policies of the commis-~~
7 ~~sion. Notwithstanding the provisions of section nineteen A point~~
8 ~~three (19A.3), subsection three (3), of the Code, all of its employees,~~
9 ~~except the executive secretary, shall be employed subject to the pro-~~
10 ~~visions of chapter nineteen A (19A) of the Code.~~

1 SEC. 14. Section fifty-six point ten (56.10), Code 1975, is amended
2 to read as follows:

3 **56.10 Duties of commission.** The commission shall:

4 1. ~~Approve the forms developed by the state commissioner pursuant~~
5 ~~to section 56.8, subsection 1, paragraph "a".~~

6 ~~2.* s/ R.D.R. [Review the contents of all disclosure reports and or-~~
7 ~~ganization statements filed under the provisions of this chapter and~~
8 ~~promptly advise each committee of errors found.] s/ R.D.R. The~~
9 ~~commission may, upon its own motion, initiate action and conduct a~~
10 ~~hearing as provided in section 56.11, subsections 1 and 2. The cam-~~
11 ~~paign finance disclosure commission may require the state and county~~
12 ~~commissioners~~ *commissioner* to file summary reports with them peri-
13 odically.

14 2. Prepare and publish a manual setting forth examples of ap-
15 proved uniform systems of accounts for use by persons required to file
16 statements and reports by this chapter.

17 3. Assure that the statements and reports which have been filed in
18 accordance with this chapter are available for public inspection and
19 copying during the regular office hours of the *state commission* and
20 county commissioners of election.

21 4. Adopt rules pursuant to chapter 17A to carry out the provisions
22 of this chapter.

23 5. Determine, in case of dispute, at what time a person has be-
24 come a candidate.

*See item veto at end of this Act

1 SEC. 15. Section fifty-six point thirteen (56.13), Code 1975, is
2 amended to read as follows:

3 **56.13 Action of committee imputed to candidate.** Action by
4 any person or political committee on behalf of a candidate, if known
5 and approved by the candidate, shall be deemed action by the candi-
6 date. It shall be presumed that a candidate approved such action if he
7 had knowledge thereof and failed to file a statement of disavowal with
8 the appropriate commissioner of elections or commission and take cor-
9 rective action within seventy-two hours thereof.

10 *Any person who makes expenditures or incurs indebtedness, other*
11 *than incidental expenses incurred in performing volunteer work, in*
12 *support or opposition of a candidate for public office shall notify*
13 *the appropriate committee and provide necessary information for*
14 *disclosure reports.*

15 However, this section shall not be construed to require duplicate re-
16 porting of anything reported under this chapter, by a political commit-
17 tee, or of action by any person which does not constitute a
18 contribution.

1 SEC. 16. Chapter fifty-six (56), Code 1975, is amended by adding
2 the following new sections:

3 NEW SECTION. The expenditure of funds from an unknown or un-
4 identifiable source received by a candidate or committee is prohibited.
5 Such funds received by a candidate or committee shall escheat to the
6 state. Any candidate or committee receiving such contributions shall
7 remit such contributions to the state comptroller for deposit in the gen-
8 eral fund of the state. Persons requested to make a contribution at a
9 fund raising event shall be advised that it is illegal to make a contribu-
10 tion in excess of ten dollars unless the person making the contribution
11 also provides his or her name and address.

12 NEW SECTION. Each candidate for public office shall organize one,
13 and only one, candidate's committee if the candidate anticipates re-
14 ceiving contributions, making expenditures, or incurring indebtedness
15 in excess of one hundred dollars in a calendar year.

16 NEW SECTION. It shall be unlawful for any insurance company, sav-
17 ings and loan association, bank, and corporation organized pursuant to
18 the laws of this state or any other state, territory, or foreign country,
19 whether for profit or not, or any officer, agent, representative thereof
20 acting for such insurance company, savings and loan association, bank,
21 or corporation, to contribute any money, property, labor, or thing of
22 value, directly or indirectly, to any committee, or for the purpose of
23 influencing the vote of any elector.

24 It shall be unlawful for any member of any committee, or employee
25 or representative thereof, or candidate for any office or the representa-
26 tive of such candidate, to solicit, request, or knowingly receive from
27 any insurance company, savings and loan association, bank, and corpo-
28 ration organized pursuant to the laws of this state or any other state,
29 territory, or foreign country, whether for profit or not, or any officer,
30 agent, or representative thereof, any money, property, or thing of val-
31 ue belonging to such insurance company, savings and loan association,
32 bank, or corporation for campaign expenses, or for the purpose of in-
33 fluencing the vote of any elector. Nothing in this section shall be con-
34 strued to restrain or abridge the freedom of the press or prohibit the
35 consideration and discussion therein of candidacies, nominations, pub-
36 lic officers, or public questions.

37 Any person convicted of a violation of any of the provisions of this
38 section shall be subject to imprisonment in the county jail for not more
39 than one year and by a fine not to exceed one thousand dollars.

40 NEW SECTION. At least thirty days prior to each filing date, the
41 commission and the commissioner shall mail the proper forms to each
42 committee which is required to file a report with them. The commis-
43 sion shall mail the appropriate forms to the statutory political commit-
44 tees.

1 SEC. 17. Sections four hundred ninety-one point sixty-nine (491.69),
2 four hundred ninety-one point seventy (491.70), four hundred ninety-
3 one point seventy-one (491.71), and four hundred ninety-six A point
4 one hundred forty-five (496A.145), Code 1975, are repealed.

1 SEC. 18. Section five hundred twenty-four point two hundred seven
2 (524.207), Code 1975, is amended to read as follows:

3 **524.207 Expenses of the department of banking.** All expenses
4 required in the discharge of the duties and responsibilities imposed
5 upon the superintendent and the state banking board by the laws of
6 this state shall be paid from fees ~~provided by such laws funds appro-~~
7 ~~riated from the general fund of the state. All such fees shall be pay-~~
8 ~~able to the superintendent.~~ The superintendent shall pay all such fees
9 and other money received by ~~him~~ *the superintendent* to the treasurer
10 of state within the time required by section 12.10. The treasurer of
11 state shall ~~hold deposit~~ such funds in an account in the name of the
12 ~~superintendent for the payment of the expenses of the department of~~
13 ~~banking the general fund of the state. Said fund~~ *Funds appropriated*
14 *to the department of banking* shall be subject at all times to the war-
15 rant of the state comptroller, drawn upon written requisition of the
16 superintendent or ~~his~~ a designated representative, for the payment of
17 all salaries and other expenses necessary to carry out the duties of the
18 department of banking. ~~The superintendent may keep on hand with~~
19 ~~the treasurer of state funds in excess of the current needs of his office~~
20 ~~to the extent approved by the state banking board. No transfers shall~~
21 ~~be made from the general fund of the state or any other fund for the~~
22 ~~payment of the expenses of the department of banking and no part of~~
23 ~~the funds held by the treasurer of state for the account of the superin-~~
24 ~~tendent shall be transferred to the general fund of the state or any oth-~~
25 ~~er fund, except that such funds may be invested by the treasurer of~~
26 ~~state and the income derived from such investments may be credited to~~
27 ~~the general fund of the state.~~

28 The superintendent shall account for receipts and disbursements ac-
29 cording to the separate duties imposed upon ~~him~~ *the superintendent*
30 by any provisions of the laws of this state and each separate duty shall
31 be *fiscally self-sustaining*.

1 SEC. 19. Section five hundred twenty-four point two hundred nine-
2 teen (524.219), Code 1975, is amended to read as follows:

3 **524.219 Fees for examinations.** A state bank, and any private
4 bank subject to examination, supervision, and regulation by the super-
5 intendent, shall pay to the superintendent a fee, established by the
6 state banking board, based on the ~~assets of the state bank or private~~
7 ~~bank, the time required for the examination and the administrative~~
8 ~~costs and expenses incurred in the discharge of the duties imposed~~
9 upon the superintendent by this chapter. *The fee shall include, but*
10 *not be limited to costs and expenses for salaries, expenses and travel*
11 *for employees, office facilities, supplies, and equipment.* Such fee
12 shall apply equally to all state banks and private banks subject to ex-
13 amination, and may not be changed more frequently than annually
14 and when changed, shall be effective on January first of the year fol-
15 lowing the year in which the change was approved.

16 The fee for examination of any affiliate of a state bank as provided
 17 for in section 524.1105, and the examinations provided for in section
 18 524.217, subsection 2, shall be established by the state banking board,
 19 based on the time required for the examination and the *administra-*
 20 *tive costs and* expenses incurred in the discharge of the duties imposed
 21 upon the superintendent by this chapter. *The fee shall include, but*
 22 *not be limited to costs and expenses for salaries, expenses and travel*
 23 *for employees, office facilities, supplies, and equipment.*

24 Upon completion of each examination required or allowed by this
 25 chapter, the examiner in charge of such examination shall render a bill
 26 for such fee, in duplicate, and shall deliver one copy thereof to the
 27 state bank or private bank and one copy to the superintendent. Failure
 28 to pay the amount of such fee to the superintendent within ten days
 29 after the date of the close of each such examination shall subject the
 30 state bank or private bank to an additional fee equal to five percent of
 31 the amount of such fee for each day the payment is delinquent.

1 SEC. 20. On July 1, 1975 the treasurer of state shall transfer to and
 2 deposit in the general fund of the state any unencumbered balance as
 3 of June 30, 1975 in the account in the name of the superintendent of
 4 banking which was established in section five hundred twenty-four
 5 point two hundred seven (524.207) of the Code.

1 SEC. 21. Notwithstanding the provisions of section eight point thirty-
 2 three (8.33) of the Code, all unencumbered or unobligated balances
 3 of appropriations made by this Act for the fiscal year beginning July
 4 1, 1975 remaining on June 30, 1976 shall revert to the general fund on
 5 August 31, 1976. In all other respects the provisions of section eight
 6 point thirty-three (8.33) of the Code shall apply to this Act.

1 SEC. 22. All federal grants to and the federal receipts of the agen-
 2 cies appropriated funds under this Act are appropriated for the purpos-
 3 es set forth in such federal grants or receipts.

1 SEC. 23. When any laws of this state are in conflict with this Act,
 2 the provisions of this Act shall govern for the time for which this Act is
 3 effective.

1 SEC. 24. Section ten (10) of this Act shall take effect November 21,
 2 1975.

*Approved July 15, 1975 except the item which is that portion** of
 paragraph one (1) of Sec. 14 bracketed and initialed by me herein which I
 hereby disapprove for the reasons set forth in my veto message delivered to
 the Secretary of State this same date, the original of which is attached here-
 to.

s/ ROBERT D. RAY, Governor

**So that there will be no question about my intent in item vetoing a por-
 tion of House File 431 delivered to you on July 15, 1975, I would like to ad-
 vise you of the following.

It was my intention in the action I took to object to and disapprove only
 the amendment within the portion of paragraph one (1) of section 14 brack-
 eted and initialed by me. For clarification I hereby insert in my statement
 of disapproval that appears at the bottom of House File 431 the word
 "underlined" after the word "portion" in the second line thereof.

s/ ROBERT D. RAY, Governor

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 58

CRIME COMMISSION AND PUBLIC SAFETY DEPARTMENT

H. F. 848

AN ACT making appropriations to the Iowa crime commission and the department of public safety and providing for the administration and use of funds and personnel of such departments.

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 to the Iowa crime commission for the fiscal year beginning July 1, 1975
3 and ending June 30, 1976 except as provided in subsection three (3) of
4 section three (3) of this Act, the following amounts, or so much thereof
5 as is necessary, to be used for the purposes designated:

	<u>1975-1976</u> <u>Fiscal Year</u>
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	1. For salaries, support, maintenance and miscellaneous purposes
	\$ 71,302
	2. For the purpose of matching federal funds available to the Iowa
	crime commission through the Omnibus Crime Control and Safe
	Streets Act of 1968 as amended by the Omnibus Crime Control Act of
	1970 and 1973..... \$ 183,582

1 SEC. 2. There is appropriated from the general fund of the state to
2 the department of public safety for the fiscal year beginning July 1,
3 1975 and ending June 30, 1976, the following amounts, or so much
4 thereof as is necessary, to be used for funding the following programs
5 for the purposes designated:

	<u>1975-1976</u> <u>Fiscal Year</u>
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	1. ADMINISTRATION
	a. For salaries..... \$ 202,000
	b. For support, maintenance, and miscellaneous purposes \$ 105,000
	c. For matching federal funds with the approval of the governor
	\$ 100,000
	2. DIVISION OF CRIMINAL INVESTIGATION AND BUREAU OF IDENTIFICATION
	a. For salaries..... \$1,176,700
	b. For support, maintenance, and miscellaneous purposes \$ 333,300
	3. DRUG LAW ENFORCEMENT
	a. For salaries..... \$ 262,500
	b. For support, maintenance, and miscellaneous purposes \$ 124,400
	4. DIVISION OF FIRE PROTECTION
	a. For salaries..... \$ 182,200
	b. For support, maintenance, and miscellaneous purposes \$ 79,000
	5. DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE
	a. For salaries..... \$6,642,500
	b. For support, maintenance, and miscellaneous purposes, except for
	maintenance of state cars assigned to the department..... \$2,089,000
	c. For the maintenance of state cars assigned to the department for
	patrolling the highways of the state, except that such funds shall not
	be expended for the maintenance of more than fourteen unmarked cars
	used for patrolling the highways of the state..... \$ 900,000
	6. DIVISION OF RADIO COMMUNICATIONS
	a. For salaries..... \$1,160,000
	b. For support, maintenance, and miscellaneous purposes \$ 314,000
	7. TRAFFIC RECORDS AND CRIMINAL INFORMATION SYSTEM
	a. For salaries..... \$ 264,000
	b. For support, maintenance, and miscellaneous purposes \$ 565,100

36	8. DIVISION OF BEER AND LIQUOR LAW ENFORCEMENT	
37	a. For salaries	\$ 287,000
38	b. For support, maintenance, and miscellaneous purposes	\$ 98,000

1 SEC. 3.

2 1. The funds appropriated by subsection two (2) of section one (1) of
3 this Act constitute a portion of the federal statutory requirement to
4 provide in the aggregate not less than one-half of the nonfederal fund-
5 ing for projects conducted by units of general local government or com-
6 binations of such units for the development and implementation of
7 programs and projects for the improvement of law enforcement.

8 2. Any allocation of funds from funds appropriated by subsection
9 two (2) of section one (1) of this Act shall be approved by the state
10 comptroller and the governor.

11 3. Notwithstanding the provisions of section eight point thirty-three
12 (8.33) of the Code, all unencumbered or unobligated balances of funds
13 appropriated by subsection two (2) of section one (1) of this Act shall
14 on June 30, 1979 revert to the general fund of this state.

1 SEC. 4. In addition to the complement of not to exceed four
2 hundred ten persons there shall be twenty persons who shall serve as
3 members of the highway safety patrol for the period beginning July 1,
4 1975 and ending June 30, 1977. The twenty additional members of the
5 highway safety patrol shall be totally funded through the use of feder-
6 al funds.

1 ***[SEC. 5. NEW SECTION.** The department of public safety and the
2 state department of transportation shall not make available to persons
3 other than the named driver or a person authorized by the named driv-
4 er, or a court or a peace officer, an individual's manual or automated
5 traffic record relating to an individual's involvement in a motor vehi-
6 cle accident unless such involvement resulted in the person's conviction
7 of a violation of a motor vehicle law or ordinance or unless such person
8 failed to comply with the provisions of chapter three hundred twenty-
9 one A (321A) of the Code.]

1 SEC. 6. Notwithstanding the provisions of section eight point thirty-
2 nine (8.39) of the Code, there shall be no transfer of funds appro-
3 priated by this Act between categories or line items provided by this
4 Act.

1 SEC. 7. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such federal grants or receipts.

1 SEC. 8. Notwithstanding the provisions of section eight point thirty-
2 three (8.33) of the Code, all unencumbered or unobligated balances
3 of appropriations made by this Act for the fiscal year beginning July
4 1, 1975 remaining on June 30, 1976 shall revert to the general fund on
5 August 31, 1976. In all other respects the provisions of section eight
6 point thirty-three (8.33) of the Code shall apply to this Act.

7 However, funds appropriated pursuant to subsection two (2) of sec-
8 tion one (1) of this Act shall revert as provided in subsection three (3)
9 of section three (3) of this Act.

*Approved July 15, 1975 except the item designated as Sec. 5 herein
which I hereby disapprove for the reasons set forth in my veto message deliv-
ered to the Secretary of State this same date, the original of which is attached
hereto.

s/ ROBERT D. RAY, *Governor*

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 59

SOLID WASTE DISPOSAL

S. F. 426

AN ACT making an appropriation to the department of environmental quality, providing for the issuance of temporary permits for certain solid waste disposal sites, and providing a civil penalty for violations.

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 to the department of environmental quality for the fiscal year begin-
3 ning July 1, 1975 the sum of one million five hundred three thousand
4 five hundred fifty-eight (1,503,558) dollars, or so much thereof as is
5 necessary, to be used for salaries, support, maintenance, and miscella-
6 neous purposes.

1 SEC. 2.* The funds appropriated by section one (1) of this Act shall
2 be used to pay salaries and for support for a table of organization of
3 not more than one hundred twenty-nine permanent full-time positions.

1 SEC. 3. All federal grants to and the federal receipts of the agencies
2 appropriated funds under this Act are appropriated for the purposes
3 set forth in such 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 bal-
3 ances of appropriations made by this Act for the fiscal year beginning
4 July 1, 1975 and ending June 30, 1976 shall revert to the general fund
5 on August 31, 1976. In all other respects the provisions of section eight
6 point thirty-three (8.33) of the Code shall apply to this Act.

1 SEC. 5. Section four hundred fifty-five B point eighty-two
2 (455B.82), subsection one (1), Code 1975, is amended to read as follows:

3 1. Commencing July 1, 1975, it shall be unlawful for any private
4 agency or public agency to dump or deposit or permit the dumping or
5 depositing of any solid waste at any place other than a sanitary disposal
6 project approved by the executive director. This section shall not
7 prohibit a private agency or public agency from dumping or depositing
8 solid waste resulting from its own residential, farming, manufacturing,
9 mining or commercial activities on land owned or leased by it if such
10 action does not violate any statute of this state or rules promulgated
11 by the commission or local boards of health, or local ordinances, or
12 rules issued by the air quality commission or water quality commission
13 of the department. ~~A violation of this subsection shall be a misdemeanor.~~
14 *The executive director may issue temporary permits for dumping*
15 *or disposal of solid waste at disposal sites for which an application*
16 *for a permit to operate a sanitary disposal project has been made*
17 *and which have not met all of the requirements of part one (1) of*
18 *this division and the rules adopted by the commission if a compli-*
19 *ance schedule has been submitted by the applicant specifying how*
20 *and when the applicant will meet the requirements for an opera-*
21 *tional sanitary disposal project and the executive director deter-*
22 *mines the public interest will be best served by granting such tempo-*
23 *rary permit.*

1 SEC. 6. Section four hundred fifty-five B point eighty-two
2 (455B.82), Code 1975, is amended by adding the following new subsec-
3 tion:

*Amended by ch 53 of these Acts

4 NEW SUBSECTION. Any person who violates any provision of part
5 one (1) of this division or any rule or any order promulgated or the
6 conditions of any permit or order issued pursuant to part one (1) of this
7 division shall be subject to a civil penalty not to exceed five hundred
8 dollars for each day of such violation.

Approved May 12, 1975

CHAPTER 60

POSTSECONDARY EDUCATION PROGRAMS

H. F. 864

AN ACT providing for and making appropriations for financing state postsecondary education programs including programs under the state board of regents, the higher education facilities commission, and 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 state
2 to the higher education facilities commission for the fiscal year begin-
3 ning July 1, 1975 and ending June 30, 1976, the following sums, or so
4 much thereof as may be necessary, to be used for the funding of the
5 following programs for the purposes designated:

	1975-1976 Fiscal Year
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1 SEC. 2. There is appropriated from the general fund of the state to
2 the higher education facilities commission for the fiscal year beginning
3 July 1, 1975 and ending June 30, 1976 the sum of seven hundred fifty
4 thousand (750,000) dollars, or so much thereof as may be necessary, to
5 be paid to the college of osteopathic medicine and surgery for a sub-
6 vention program created pursuant to sections five (5) and six (6) of this
7 Act. The subvention shall be used for the admission and education of
8 not more than thirty percent of each of the lower two classes of stu-

9 dents in the college of osteopathic medicine and surgery for the fiscal
10 year beginning July 1, 1975 and ending June 30, 1976. Funds shall
11 only be expended for resident students and funds expended on behalf
12 of the second year class shall not exceed four hundred thousand dollars
13 and the funds expended on behalf of the first year class shall not ex-
14 ceed three hundred fifty thousand dollars. For the purposes of this sec-
15 tion and for the 1975-1976 academic year, resident students are
16 students who were residents of this state for twelve months prior to the
17 time they enrolled in the first year academic class, or who are persons
18 who graduated from a high school located in Iowa.

1 SEC. 3. Section two hundred sixty-one point two (261.2), subsection
2 four (4), Code 1975, is amended to read as follows:

3 4. Prepare and administer a state plan for a state supported and ad-
4 ministered scholarship program. Said state plan shall provide for schol-
5 arships based on ability ~~and need~~* to deserving students of Iowa, ma-
6 triculating in Iowa universities, colleges, area vocational schools, area
7 community colleges, or schools of professional nursing.

8 *The provisions of this section shall be effective July 1, 1976, how-
9 ever if a deserving student who receives a scholarship for the
10 1975-1976 academic year also receives a scholarship for the
11 1976-1977 academic year, it shall be based on both ability and
12 need.*

1 SEC. 4. Section two hundred sixty-one point twelve (261.12), subsec-
2 tion two (2), Code 1975, is amended to read as follows:

3 2. One thousand *three hundred* dollars.

1 SEC. 5. NEW SECTION. **Subvention program.**

2 1. There is established a subvention program for resident students
3 who are enrolled in the college of osteopathic medicine and surgery of
4 Des Moines, Iowa. The subvention program shall be administered by
5 the higher education facilities commission in the manner provided in
6 this section and section six (6) of this Act.

7 2. In making a final determination of who is a resident of Iowa, the
8 higher education facilities commission shall adopt rules for the aca-
9 demic year commencing in 1976 and for each academic year thereafter
10 consistent with those followed for determining Iowa resident students
11 in section two hundred sixty-one point fifteen (261.15) of the Code and
12 be subject to the provisions of chapter seventeen A (17A) of the Code.

1 SEC. 6. NEW SECTION. **Payment of subvention.** The registrar of
2 the college of osteopathic medicine and surgery shall file, not later
3 than August first of each year, a certificate of enrollment which shall
4 include the number, names and addresses of all students enrolled, by
5 class, and shall indicate which students are resident students. If the
6 number of resident students does not equal thirty percent of the total
7 enrollment of a class, the higher education facilities commission shall
8 deduct the sum of twenty thousand dollars for each class member un-
9 der the required percentage. The higher education facilities commis-
10 sion shall compute the amount of the subvention and shall transmit
11 the funds to the college of osteopathic medicine and surgery by August
12 fifteenth of each year for which funds are appropriated by the general
13 assembly.

1 SEC. 7. There is appropriated from the general fund of the state to
2 the state board of regents for the fiscal year beginning July 1, 1975 and

*See item veto at the end of this chapter

3	ending June 30, 1976 the following amounts, or so much thereof as	
4	may be necessary to be used for the following purposes:	
5		1975-1976
6		<u>Fiscal Year</u>
7	1. OFFICE OF STATE BOARD OF REGENTS	
8	For salaries, support, maintenance, equipment, and miscellaneous	
9	purposes, including state board of regents members receiving a per	
10	diem not to exceed forty dollars per day.....	\$ 211,819
11	2. STATE UNIVERSITY OF IOWA	
12	a. General university, including lakeside laboratory.	
13	For salaries, support, maintenance, equipment, and miscellaneous	
14	purposes.....	\$49,493,000
15	b. University hospitals	
16	For salaries, support, maintenance, equipment, and miscellaneous	
17	purposes; for medical and surgical treatment of indigent patients as	
18	provided in chapter two hundred fifty-five (255) of the Code	
19	.....	\$ 9,944,500
20	c. Psychopathic hospital	
21	For salaries, support, maintenance, equipment, and miscellaneous	
22	purposes, and for the care, treatment and maintenance of committed	
23	and voluntary public patients.....	\$ 2,823,000
24	d. State hygienic laboratory	
25	For salaries, support, maintenance, equipment, and miscellaneous	
26	purposes.....	\$ 978,500
27	e. Hospital schools	
28	For salaries, support, maintenance, equipment, and miscellaneous	
29	purposes.....	\$ 1,959,500
30	f. State sanatorium—Oakdale	
31	For salaries, support, maintenance, equipment, and miscellaneous	
32	purposes beyond that amount underwritten from charges to counties,	
33	agencies, and individual patients at no less than twenty-five percent of	
34	per diem cost.....	\$ 2,178,000
35	3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY	
36	a. General university	
37	For salaries, support, maintenance, equipment, and miscellaneous	
38	purposes.....	\$39,794,000
39	b. Agricultural experiment station	
40	For salaries, support, maintenance, equipment, and miscellaneous	
41	purposes.....	\$ 4,936,000
42	c. Cooperative extension service in agriculture and home economics	
43	For salaries, support, maintenance, and miscellaneous purposes	
44	.....	\$ 4,307,500
45	4. UNIVERSITY OF NORTHERN IOWA	
46	a. For salaries, support, maintenance, equipment, and miscellaneous	
47	purposes.....	\$16,501,000
48	b. For faculty and administration salary special adjustments there	
49	shall be allocated from funds appropriated by paragraph a of this sub-	
50	section the sum of three hundred thousand (300,000) dollars.	
51	5. IOWA BRAILLE AND SIGHT-SAVING SCHOOL	
52	For salaries, support, maintenance, equipment, and miscellaneous	
53	purposes.....	\$ 1,154,500
54	6. STATE SCHOOL FOR THE DEAF	
55	For salaries, support, maintenance, equipment, and miscellaneous	
56	purposes.....	\$ 2,160,500
57	7. FAMILY PRACTICE PROGRAM	
58	For allocation by the dean of the college of medicine, with approval	

59 of the advisory board, to qualified participants, to carry out the provi-
60 sions of chapter one hundred forty-eight C (148C) of the Code
61 -----\$ 720,000

1 SEC. 8. The state board of regents shall establish a uniform budget-
2 ing and accounting system for the institutions of higher education un-
3 der its control not later than June 30, 1976.

1 SEC. 9. It is the intent of the general assembly that the state board
2 of regents shall initiate a proposal for program budgeting to the legis-
3 lative fiscal committee by December 1, 1975.

1 SEC. 10. There is appropriated from the general fund of the state
2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
3 the department of public instruction the following amounts, or so
4 much thereof as may be necessary, to be used in the manner designat-
5 ed:

6
7 1975-1976
Fiscal Year

8 1. GENERAL OFFICE ADMINISTRATION
9 For salaries, support, maintenance and miscellaneous purposes
10 -----\$ 1,561,808

11 2. VOCATIONAL EDUCATION ADMINISTRATION
12 For salaries, support, maintenance and miscellaneous purposes
13 -----\$ 451,005

14 3. VOCATIONAL EDUCATION
15 For vocational education aid to secondary schools.....
16 -----\$ 2,550,000

17 Funds appropriated by this subsection are to be used for aid to
18 school districts for development and the conduct of both continuing
19 and new vocational programs, services and activities of vocational edu-
20 cation through secondary schools in accordance with the provisions of
21 chapter two hundred fifty-eight (258) and chapter two hundred eighty
22 A (280A) of the Code, to purchase instructional equipment for voca-
23 tional and technical courses of instruction in such schools, and to
24 match federal reimbursement for continuing and new secondary voca-
25 tional programs.

26 4. VOCATIONAL REHABILITATION
27 For salaries, support, maintenance and miscellaneous purposes
28 -----\$ 1,723,325

29 5. MIGRANT EDUCATION
30 For reimbursement to school districts and merged area schools oper-
31 ating education programs for migratory workers and children of migra-
32 tory workers.....\$ 50,000

33 6. DRUG EDUCATION
34 For costs to provide educational programs which will aid in the pre-
35 vention of drug abuse in Iowa and fulfill the drug education require-
36 ments of the Code.....\$ 23,000

37 7. ENVIRONMENTAL EDUCATION
38 For costs to develop educational programs which will result in an
39 awareness and understanding of the environmental problems facing so-
40 ciety with special emphasis upon energy problems.....\$ 20,000

41 8. NATIONAL DEFENSE EDUCATION
42 For the purpose of accepting federal funds originally referred to as
43 the National Defense Education Act of 1958, as amended by the Ele-
44 mentary and Secondary Education Act of 1965, the Elementary and
45 Secondary Education Act of 1970, and the Educational Amendments
46 of 1974, for administration and extension of supervisory and related

47	services by the department for financial assistance for strengthening	
48	sciences, mathematics, modern foreign language instruction and other	
49	critical subjects administered by the department and for the improve-	
50	ment and expansion of the statistical services of the department of	
51	public instruction	\$ 199,627
52	9. PROFESSIONAL TEACHING PRACTICES COMMISSION	
53	For the use of the professional teaching practices commission to car-	
54	ry out the provisions of chapter two hundred seventy-two A (272A) of	
55	the Code	\$ 35,000
56	10. VOCATIONAL YOUTH ORGANIZATION FUND	
57	To carry out the provisions of section two hundred fifty-eight point	
58	fourteen (258.14) of the Code	\$ 10,000
59	11. SCHOOL FOOD SERVICE	
60	For the purpose of providing assistance to students enrolled in public	
61	school districts and nonpublic schools of the state for breakfasts, lunch-	
62	es and minimal equipment programs with said funds being used as	
63	state matching funds for federal programs and which shall be disbursed	
64	according to federal regulations	\$ 2,000,000
65	12. SCHOOL BUDGET REVIEW COMMITTEE	
66	a. For supplemental aid to public school districts for unusual circum-	
67	stances pursuant to the provisions of subsection six (6) of section four	
68	hundred forty-two point thirteen (442.13) of the Code	\$ 1,000,000
69	b. For supplemental aid to public school districts for transportation	
70	equipment needs which have become necessary because of the furnish-	
71	ing of transportation to nonpublic school pupils under chapter two	
72	hundred eighty-five (285) of the Code and for enrollment decreases	
73	which are proven to have been caused by the availability of transporta-	
74	tion to nonpublic school pupils in a public school district---\$ 1,450,000	
75	13. TRANSPORTATION OF NONPUBLIC SCHOOL PUPILS	
76	For costs of providing transportation to each resident pupil of a pub-	
77	lic school district who attends a nonpublic school and who is entitled to	
78	transportation under chapter two hundred eighty-five (285) of the Code	
79	.....	\$ 2,700,000
80	14. COMPACT FOR EDUCATION	
81	For membership fees for Iowa as a member of the education commis-	
82	sion of the states as provided in chapter two hundred seventy-two B	
83	(272B) of the Code	\$ 15,750
84	15. MERGED AREA SCHOOLS	
85	a. For general state financial aid to merged areas as defined in sec-	
86	tion two hundred eighty A point two (280A.2) of the Code the amount	
87	of twenty-five million eight hundred thousand (25,800,000) dollars to	
88	be allocated as follows:	
89	(1) Merged Area I	\$ 885,411
90	(2) Merged Area II	1,754,538
91	(3) Merged Area III	1,530,641
92	(4) Merged Area IV	559,743
93	(5) Merged Area V	2,163,659
94	(6) Merged Area VI	1,951,610
95	(7) Merged Area VII	1,850,204
96	(8) Merged Area IX	1,807,460
97	(9) Merged Area X	3,305,534
98	(10) Merged Area XI	3,993,509
99	(11) Merged Area XII	1,211,079
100	(12) Merged Area XIII	1,577,328
101	(13) Merged Area XIV	547,464
102	(14) Merged Area XV	1,369,324
103	(15) Merged Area XVI	1,292,496

104 b. To provide for equipment replacement and upgrading in all
 105 merged area schools on a prorated basis consistent with past allocations
 106 made from equipment inventory listings.....\$ 1,201,000
 107 c. To provide funds for matching federal reimbursement for continu-
 108 ing and new vocational education programs in merged area schools in
 109 accordance with the provisions of chapter two hundred fifty-eight (258)
 110 and chapter two hundred eighty A (280A) of the Code, and to purchase
 111 instructional equipment for vocational and technical courses of instruc-
 112 tion in such schools.....\$ 7,987,200

1 SEC. 11. Section eight point twenty-nine (8.29), unnumbered para-
 2 graph four (4), Code 1975, is amended to read as follows:

3 The state board of regents, with the approval of the state comptrol-
 4 ler, shall establish a ~~unified~~ *uniform* budgeting and accounting system
 5 for the institutions of higher education under its control, and shall re-
 6 quire each of the institutions of higher education to begin operating
 7 under the ~~unified~~ *uniform* system not later than ~~July 1, 1974~~ *June 30,*
 8 *1976.*

1 SEC. 12. Notwithstanding the provisions of section eight point
 2 thirty-three (8.33) of the Code, funds appropriated in subsection twelve
 3 (12) of section ten (10) of this Act, shall revert to the general fund on
 4 September 30, 1977.

1 SEC. 13. Moneys appropriated by this Act shall not be used for cap-
 2 ital improvements.

1 SEC. 14. When any of the laws of this state are in conflict with this
 2 Act, the provisions of this Act shall govern for the fiscal year
 3 1975-1976.

1 SEC. 15. All federal grants to and the federal receipts of the agen-
 2 cies appropriated funds under this Act are appropriated for the pur-
 3 poses set forth in such federal grants or receipts.

*Approved June 3, 1975 except the item designated as Sec. 3 herein
 which I hereby disapprove for the reasons set forth in my veto message de-
 livered to the Secretary of State this same date, the original of which is at-
 tached hereto.

s/ ROBERT D. RAY, *Governor*

CHAPTER 61

MUNICIPAL ASSISTANCE FUND

H. F. 901

AN ACT to make a supplemental appropriation from the general fund of the state to the municipal assistance fund and to appropriate from the general fund of the state to the county government assistance fund created by this Act.

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 to the municipal assistance fund, established in section four hundred
 3 five point one (405.1) of the Code, for the fiscal year beginning July 1,
 4 1975 and ending June 30, 1976, the sum of three million (3,000,000) dol-

5 lars, or so much thereof as may be necessary, to be used for state assis-
 6 tance to municipalities, with distribution in accordance with section
 7 four hundred five point one (405.1) of the Code, to supplement any
 8 other funds appropriated to the municipal assistance fund for the
 9 1975-1976 fiscal year.

1 SEC. 2. There is created a "county government assistance fund" in
 2 the office of the treasurer of state. The moneys appropriated to such
 3 fund shall be used to provide financial assistance to counties for the
 4 fiscal year beginning July 1, 1975 and ending June 30, 1976.

1 SEC. 3. On or before December 15, 1975, the state comptroller shall
 2 distribute the funds in the county government assistance fund to each
 3 county in the state in the proportion that the population residing in
 4 the unincorporated area of each county is to the total population resid-
 5 ing in unincorporated areas of all of the counties.

6 For purposes of this section "population" shall be based on the most
 7 recent federal census.

1 SEC. 4. Funds received from the county government assistance fund
 2 by the counties shall be expended, insofar as practicable, for projects
 3 and programs developed and maintained for citizens of the county re-
 4 siding outside the incorporated areas of any city in the county.

1 SEC. 5. There is appropriated from the general fund of the state to
 2 the county government assistance fund, established pursuant to section
 3 two (2) of this Act for the fiscal year beginning July 1, 1975 and ending
 4 June 30, 1976, the sum of four million (4,000,000) dollars, or so much
 5 thereof as may be necessary, to be used for state assistance to counties,
 6 with distribution in accordance with section three (3) of this Act.

Approved July 18, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 62

CAPITAL IMPROVEMENTS

H. F. 898

AN ACT making appropriations to various state agencies for the purposes of providing for capital improvements, reimbursement of state educational institutions for deficiencies in operating funds from funds pledged to finance academic and administrative buildings and facility services, providing funds to lease data processing equipment, funding the purchase of certain equipment, providing funds for sewage works purposes, creating a hospital schools revolving fund and providing for expenditures from such fund, providing for land acquisition, providing a memorial for medal of honor recipients, restoring flags exhibited in the state capitol, and providing for the reversion of 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 state
 2 for the fiscal period beginning July 1, 1975, to the following named
 3 agencies for the purposes indicated, the following amounts, or so much
 4 thereof as is necessary:

5 1. IOWA BEER AND LIQUOR CONTROL DEPARTMENT

6 For renovation of stores and equipment and converting to self-service
 7 stores \$ 180,000

8 2. STATE BOARD OF REGENTS

9 a. To supplement any prior appropriations for capital improvement
 10 items for construction of new buildings, repairs, improvements or pur-
 11 chase of land, leases, equipment, replacements or alterations, or for
 12 any other capital expenditures the state board of regents may deem
 13 necessary for the proper and necessary functions of all institutions un-
 14 der its jurisdiction, including alterations for the main building at Iowa
 15 braille and sight-saving school, and remodeling and centralizing food
 16 service operations at the school for the deaf\$3,700,000

17 b. For detailed architectural plans for a seeds laboratory facility at
 18 Iowa state university there shall be allocated from funds appropriated
 19 by paragraph a of this subsection the sum of seventy-five thousand
 20 (75,000) dollars, or so much thereof as may be necessary.

21 c. For allocation by the state board of regents to the state university
 22 of Iowa, the Iowa state university of science and technology, and the
 23 university of northern Iowa in such amounts as may be necessary to
 24 reimburse such institutions for deficiencies in their operating funds re-
 25 sulting from the pledging of tuitions, student fees and charges and in-
 26 stitutional income to finance the cost of providing academic and in-
 27 administrative buildings and facilities and utilities services at such in-
 28 stitutions of higher learning \$3,340,000

29 3. CAPITOL PLANNING COMMISSION

30 For planning, specifications, and preparation of contracts for the
 31 power plant including the demonstration solar energy unit which will
 32 convert solar energy to steam for the use of the heating and cooling of
 33 the state house complex, the total cost, including the funds appropriat-
 34 ed by this subsection, shall not exceed three million two hundred thou-
 35 sand (3,200,000) dollars\$ 300,000

36 4. STATE COMPTROLLER

37 For leasing, with the option to purchase, two central data processing
 38 units, one Kodak KMO-80 microfilmer and Collins "C" system
 39\$1,500,000

40 5. STATE CONSERVATION COMMISSION

41 For construction, replacement, development and alterations to state
 42 parks and preserves, state forestry facilities and state waters including
 43 artificial lake development; erosion and siltation control; river, stream
 44 and lake access, fish hatchery construction; land acquisition; and engi-
 45 neering and planning services or to supplement any prior appropria-
 46 tion for such purposes\$3,700,000

47 Prior to the expenditure of funds appropriated by this paragraph, an
 48 amount sufficient to pay school taxes on land acquired under the pro-
 49 visions of the Acts of the Sixty-fifth General Assembly, chapter seventy-
 50 four (74), 1973 Session, and land acquired pursuant to this Act, shall
 51 be deducted from the funds appropriated by this paragraph and shall
 52 be paid to the school districts in which such lands are located.

53 6. ENERGY POLICY COUNCIL

54 For implementation of House File four hundred thirty-three (433)
 55 enacted by the Sixty-sixth General Assembly, First Session
 56\$3,000,000

57 7. IOWA STATE FAIR BOARD

58 For major repairs to buildings and grounds\$ 500,000

59 8. DEPARTMENT OF GENERAL SERVICES

60 a. For restoration of the exterior masonry of the capitol building;
 61 for new roofs and roof repairs, for grading and surfacing of parking
 62 lots; for tunnel entrances and repairs; for utilities, mechanical equip-
 63 ment and fixtures, repair and replacement; for remedial repairs to mis-
 64 cellaneous buildings and monuments; for rewiring Lucas building

65 lighting circuits; for laboratory building window and door painting, re-
 66 placement and repair, for remedial repairs to court avenue viaduct; for
 67 phase II of the restoration of first floor ceilings in the capitol building;
 68 for phase I of redesigning and replanting of garden areas; for capitol
 69 and Lucas building lock hardware replacement; for phase II of side-
 70 walk replacement..... \$ 700,000

71 b. To supplement funds appropriated in chapter one thousand fifty-
 72 seven (1057), section one (1), Acts of the Sixty-fifth General Assembly,
 73 1974 Session, and to provide sufficient funds for the completion of a
 74 state agricultural building to be known as the Henry A. Wallace build-
 75 ing and to supplement funds appropriated in Acts of the Sixty-fifth
 76 General Assembly, 1973 Session, chapter ninety-seven (97), section one
 77 (1), subsection three (3), as amended by Acts of the Sixty-fifth General
 78 Assembly, 1974 Session, chapter one thousand fifty-eight (1058), section
 79 one (1), to provide sufficient funds for the completion of a state office
 80 building in accordance with plans developed, providing a total cost of
 81 construction of the Henry A. Wallace building and the state office
 82 building not to exceed twenty-three million three hundred thousand
 83 (23,300,000) dollars if the contracts for construction of the Henry A.
 84 Wallace building and the state office building are awarded no later
 85 than November 1, 1975\$3,000,000

86 All unencumbered funds appropriated for the purposes set forth in
 87 this paragraph shall revert to the general fund of the state as of De-
 88 cember 31, 1975, if contracts have not been awarded for construction of
 89 the Henry A. Wallace building and the state office building by No-
 90 vember 1, 1975. If such contracts are awarded by November 1, 1975
 91 unobligated or unencumbered funds remaining on June 30, 1979 shall
 92 revert to the general fund on September 30, 1979.

93 c. For use of the educational radio and television facility board for
 94 the purchase of a video tape recorder, a film projection center, and a
 95 character generator \$ 226,500

96 9. SEWAGE WORKS CONSTRUCTION FUND

97 a. For the purpose of providing the state's twenty-five percent of the
 98 eligible cost of eligible projects as defined under section four hundred
 99 fifty-five B point sixty-seven (455B.67), subsection four (4) of the Code,
 100 attributable to the period July 1, 1966, through June 30, 1969.....
 101\$1,651,558

102 b. For the sewage works construction fund under section four
 103 hundred fifty-five B point sixty-seven (455B.67) of the Code to be used
 104 for the purpose of paying to those municipalities which were eligible
 105 for fifty or fifty-five percent grants, an amount equal to twenty-five
 106 percent of the actual eligible project cost not provided for in any prior
 107 appropriation\$1,900,000

108 c. For paying to those municipalities which are eligible for seventy-
 109 five percent grants under the federal Water Pollution Act amendments
 110 of 1972, eighty-six (86) Stat. eight hundred sixteen (816), an amount
 111 equal to five percent of the amount approved as the eligible cost of the
 112 project by the Iowa water pollution control commission \$4,824,800

113 10. DEPARTMENT OF SOCIAL SERVICES

114 a. For the inflationary factor in new construction at the Iowa veter-
 115 ans home at Marshalltown \$ 575,000

116 b. For the deposit in the hospital schools revolving fund created by
 117 section two (2) of this Act..... \$ 500,000

118 Unobligated or unencumbered funds appropriated by this paragraph
 119 shall not revert to the general fund of the state until the attainment of
 120 the object or the completion of the work for which such appropriation
 121 is made.

122	c. To supplement any prior appropriations for capital improvement	
123	items for repairs, improvements, replacements, or alterations, or for	
124	any capital expenditures the department of social services may deem	
125	necessary for the proper and necessary function of any institutions under	
126	its jurisdiction	\$ 925,000
127	11. DEPARTMENT OF SOIL CONSERVATION	
128	For cost sharing to provide state funding of not to exceed fifty per-	
129	cent of the approved cost of permanent soil conservation practices in-	
130	stituted under chapter four hundred sixty-seven A (467A) of the Code	
131	with priority given to projects on watersheds above state-owned lakes,	
132	except that not more than five percent of the amount herein appro-	
133	propriated may be used for cost sharing to abate complaints filed under	
134	sections four hundred sixty-seven A point forty-seven (467A.47) and	
135	four hundred sixty-seven A point forty-eight (467A.48) of the Code	
136	.....	\$2,500,000
137	12. DEPARTMENT OF PUBLIC DEFENSE	
138	a. For the state's share of the armory construction program made	
139	available to the state by the federal government for the acquisition,	
140	construction, expansion, rehabilitation and converting facilities of the	
141	administration and training units of the national guard and state	
142	guard	\$ 380,000
143	b. For restoring the flags exhibited on the first floor of the state cap-	
144	itol	\$ 50,000
145	c. For repair, replacement, alteration, equipment and rehabilitation	
146	of national guard armory facilities throughout the state, including the	
147	maintenance and repair of equipment required for use of such facilities	
148	.....	\$ 130,000
149	d. For repair, replacement, alteration, equipment and rehabilitation	
150	of buildings, grounds, roads and facilities located within the Camp	
151	Dodge military reservation	\$ 130,000
152	e. Unobligated or unencumbered funds remaining on June 30, 1979,	
153	from funds appropriated by this subsection shall revert to the general	
154	fund on September 30, 1979.	
155	13. DEPARTMENT OF PUBLIC SAFETY	
156	a. For radio equipment and related items pertaining to the conver-	
157	sion of stations from low band to high band	\$ 301,000
158	b. For repair and replacement of towers	\$ 150,000
159	c. Unobligated or unencumbered funds remaining on June 30, 1979,	
160	from funds appropriated by this subsection shall revert to the general	
161	fund on September 30, 1979.	
162	14. IOWA STATE HISTORICAL DEPARTMENT	
163	a. For land acquisition at Toolsboro	\$ 7,000
164	b. For purchase of a manuscripts fumigator	\$ 4,000
165	15. DEPARTMENT OF PUBLIC INSTRUCTION	
166	For replacement of films, film strips, books, and other educational	
167	media material destroyed in the Ankeny, Iowa fire	\$1,000,000
168	Unobligated or unencumbered funds remaining on June 30, 1976 from	
169	funds appropriated by this subsection shall revert to the general fund	
170	on September 30, 1976.	

1 SEC. 2.

2 1. There is created a revolving fund within the state treasury to be
3 known as the "hospital schools revolving fund" which shall be used
4 and administered as provided in this section. The hospital schools re-
5 volving fund shall be used for capital projects at the Glenwood and
6 Woodward hospital schools, which capital projects will bring the hospi-
7 tal schools into compliance with federal and state standards relating to

8 physical facilities in order to have approved mental retardation-inter-
 9 mediate care facilities as authorized under Title nineteen (XIX) of the
 10 United States Social Security Act.

11 2. The hospital schools revolving fund shall be composed of moneys
 12 appropriated by the general assembly for capital expenditures at the
 13 hospital schools and moneys which become available from the federal
 14 government for such purposes pursuant to Title nineteen (XIX) of the
 15 United States Social Security Act.

1 SEC. 3. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred fourteen (114), section one (1), is amended to read
 3 as follows:

4 Section 1. There is appropriated from the general fund of the state
 5 to the department of social services for the biennium commencing July
 6 1, 1973 and ending June 30, 1975, the sum of three million (3,000,000)
 7 dollars, or so much thereof as is necessary, to be used to supplement
 8 any prior appropriations for capital improvement items for repairs, im-
 9 provements, replacements, or alterations, or for any capital expendi-
 10 tures the department of social services may deem necessary, except as
 11 otherwise provided in this Act, for the proper and necessary function of
 12 any institution under its jurisdiction. Funds appropriated by this sec-
 13 tion *except the sum of three hundred sixty thousand (360,000) dol-*
 14 *lars which shall be deposited in the hospital schools revolving fund*
 15 *on July 1, 1975*, shall not be used to supplement the construction of
 16 new buildings.

1 SEC. 4. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred fourteen (114), section five (5), is amended to read
 3 as follows:

4 Sec. 5. Funds appropriated by this Act shall not be subject to rever-
 5 sion as provided in section eight point thirty-three (8.33) of the Code,
 6 however, any unencumbered balance of the appropriation made by this
 7 Act, *except the funds deposited in the hospital schools revolving*
 8 *fund*, remaining as of June 30, 1977, shall revert to the general fund of
 9 the state as of June 30, 1977.

1 SEC. 5. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand twenty-six (1026), section one (1), subsection five
 3 (5), is amended to read as follows:

4 5. RATHBUN LAKE

5 Area land purchase and preparation of a bidding prospectus for
 6 private construction development and operation of a resort-lodge
 7 complex\$1,000,000

1 SEC. 6. There is appropriated from the general fund of the state to
 2 the bonus board for the fiscal year beginning July 1, 1975 and ending
 3 June 30, 1976 the sum of ten thousand (10,000) dollars, or so much
 4 thereof as may be necessary, for the purpose of constructing, dedicat-
 5 ing and maintaining a state memorial commemorating citizens of this
 6 state who have been awarded the medal of honor, in the Medal of
 7 Honor Grove, Freedoms Foundation at Valley Forge, Valley Forge,
 8 Pennsylvania. The members of the bonus board or their designee shall
 9 be responsible for carrying out the provisions of this section and may
 10 enter into a contract or agreement on behalf of the state for such pur-
 11 pose.

1 SEC. 7. Chapter one hundred seven (107), Code 1975, is amended
 2 by adding the following new section:

3 *[NEW SECTION. The state conservation commission shall make an-
 4 nual payments to school districts in such amounts sufficient to pay
 5 school taxes on lands acquired under the provisions of the Acts of the
 6 Sixty-fifth General Assembly, chapter seventy-four (74), 1973 Session,
 7 and under the authority of any other Act of the general assembly
 8 which authorizes the acquisition of land which would otherwise be sub-
 9 ject to the levy of school taxes. There is appropriated annually from
 10 the general fund of the state from funds not otherwise appropriated to
 11 the state conservation commission an amount sufficient to make the
 12 payments provided for in this section. The state comptroller shall ad-
 13 minister the funds appropriated by this Act and shall administer the
 14 program established by this section. The state conservation commission
 15 shall cooperate with the state comptroller in order to provide informa-
 16 tion necessary to carry out the provisions of this section.]*

1 SEC. 8. There is appropriated from the road use tax fund of the
 2 state for the fiscal year beginning July 1, 1975, and ending June 30,
 3 1976, to the state department of transportation the sum of four
 4 hundred thirty thousand (430,000) dollars, or so much as may be neces-
 5 sary, to be used to purchase scales for traffic weight stations and radios
 6 for the motor truck enforcement cars.

1 SEC. 9. There is appropriated the remainder of the state fish and
 2 game protection fund for use by the state conservation commission for
 3 the fiscal year beginning July 1, 1975, and ending June 30, 1976, for
 4 capital improvements and contingencies arising during the fiscal year
 5 which are legally payable from the fish and game protection fund. The
 6 remainder is defined as the amount within the fish and game protec-
 7 tion fund that is not appropriated by Senate File five hundred six
 8 (506), section one (1), subsection two (2), enacted by the Sixty-sixth
 9 General Assembly, 1975 Session. A contingency shall exclude any pur-
 10 pose or project which was presented to the general assembly by way of
 11 a bill and which failed to become enacted into law. Before any funds
 12 shall be allocated, it shall be determined by the executive council that
 13 a contingency exists and that the proposed allocation shall be for the
 14 best interest of the state.

1 SEC. 10. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter one hundred four (104), section four (4), is amended to read as
 3 follows:

4 Sec. 4. Any unencumbered balance of funds appropriated by this
 5 Act remaining as of June 30, 1975 *may, notwithstanding section one*
 6 *(1) of chapter one hundred four (104) be expended during fiscal*
 7 *year 1975-1976 and shall revert to the general fund of the state as of*
 8 *June 30, 1975 1976.*

1 SEC. 11. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand twenty-six (1026), sections three (3) and seven (7),
 3 are amended to read as follows:

4 Sec. 3. From funds appropriated by section one (1) of this Act, not
 5 less than five hundred thousand (500,000) dollars shall be set aside for
 6 use for dredging and an additional one hundred thousand (100,000)
 7 dollars shall be used to contract for an independent study of the feasi-
 8 bility and economics of dredging all lakes especially including Black
 9 Hawk Lake, Blue Lake, Silver Lake, and Five Island Lake. *No funds*
 10 *shall be used for dredging unless matching federal funds are avail-*
 11 *able.*

*See item veto at the end of this chapter

12 Sec. 7. Funds appropriated by this Act shall not be used for the
 13 purchase, construction, or leasing of resort lodges. Unencumbered
 14 funds remaining as of June 30, 1977 shall revert to the general fund of
 15 the state on September 30, 1977 *except those funds set aside for*
 16 *dredging under section three (3) of this Act shall revert to the gener-*
 17 *al fund on September 30, 1979, if unencumbered as of June 30,*
 18 *1979.*

1 SEC. 12. If federal action eliminates or delays into future fiscal
 2 year periods certain federal funds previously anticipated as a part of
 3 various departmental receipts, there is appropriated from the general
 4 fund of the state for the fiscal year beginning July 1, 1975, and ending
 5 June 30, 1976, to the state comptroller the sum of nine hundred thou-
 6 sand (900,000) dollars to be allocated to the departments to supplement
 7 existing appropriations for losses of such federal funds during the fiscal
 8 period. No funds shall be allocated under this section without the ap-
 9 proval of the governor and the state comptroller.

10 It is intended that any funds allocated to the state board of regents
 11 in this Act to supplement existing appropriations for loss of federal
 12 funds during the fiscal year shall be for federal funds lost which were
 13 related to educational and capitation grants to the institutions. It is
 14 not intended to supplement federal funds relating solely to sponsored
 15 research grants to the institutions.

1 SEC. 13. For any construction of new buildings or substantial modi-
 2 fication of existing buildings under this Act the total estimated cost of
 3 fine arts elements included in the plans and specifications shall not be
 4 less than one-half of one percent of the total appropriation for such
 5 construction of new buildings or substantial modification of existing
 6 buildings. This section shall apply only to appropriations made pursu-
 7 ant to the following subsections of section one (1) of this Act:

- 8 1. Subsection two (2).
- 9 2. Subsection five (5).
- 10 3. Subsection seven (7).
- 11 4. Paragraph b of subsection eight (8).

1 SEC. 14. As used in this Act, "fine arts" means sculpture, fountains,
 2 bas-reliefs, mosaics, frescoes, wall hangings, pictures, photographs or
 3 other enhancements to be integrated into the total environment of such
 4 construction. Fine arts does not include the incidental ornamental de-
 5 tail or functional structural elements or hardware and other accessories.

1 SEC. 15. The appropriate department, commission or board having
 2 authority over an appropriation to which the fine arts section applies
 3 shall coordinate with the Iowa arts council on matters relating to the
 4 inclusion of fine arts authorized by this Act.

1 SEC. 16. The appropriate department, commission or board must be
 2 assured, by the submission of a report by the architects or contractors
 3 before construction is begun on any new buildings or substantial modi-
 4 fication of existing buildings pursuant to this Act, that the building
 5 design has been developed according to maximum energy conservation.

1 SEC. 17. All federal grants to and the federal receipts of the agen-
 2 cies appropriated funds under this Act are appropriated for the purpos-
 3 es set forth in such federal grants or receipts.

1 SEC. 18.

- 2 1. Unobligated or unencumbered funds remaining from funds appro-
 3 priated by this Act for which a specific reversion provision is provided
 4 shall revert to the fund from which appropriated pursuant to such pro-
 5 vision.

- 6 2. Unobligated or unencumbered funds remaining as of June 30,
7 1976 from funds appropriated by this Act for the fiscal year beginning
8 July 1, 1975 and ending June 30, 1976, shall revert to the fund from
9 which appropriated on September 30, 1976.
- 10 3. Unobligated or unencumbered funds remaining on June 30, 1976
11 from funds appropriated by the following provisions of this Act shall
12 revert to the fund from which appropriated on September 30, 1976:
13 a. Subsection one (1) of section one (1).
14 b. Paragraph c of subsection two (2) of section one (1).
15 c. Subsection three (3) of section one (1).
16 d. Subsection four (4) of section one (1).
17 e. Paragraph c of subsection eight (8) of section one (1).
18 f. Subsection fourteen (14) of section one (1).
- 19 4. Unobligated or unencumbered funds remaining on June 30, 1977
20 from funds appropriated by the following provisions of this Act shall
21 revert to the fund from which appropriated on September 30, 1977:
22 a. Subsection six (6) of section one (1).
23 b. Subsection seven (7) of section one (1).
24 c. Paragraph a of subsection eight (8) of section one (1).
25 d. Paragraphs a and b of subsection nine (9) of section one (1).
- 26 5. Unobligated or unencumbered funds remaining on June 30, 1979
27 from funds appropriated by the following provisions of this Act shall
28 revert to the fund from which appropriated on September 30, 1979:
29 a. Paragraphs a and b of subsection two (2) of section one (1).
30 b. Subsection five (5) of section one (1).
31 c. Paragraph c of subsection nine (9) of section one (1).
32 d. Paragraphs a and c of subsection ten (10) of section one (1).
33 e. Subsection eleven (11) of section one (1).

1 SEC. 19. The capitol planning commission shall sponsor a statewide
2 contest to name the new state office building provided for in section
3 one (1), subsection eight (8), paragraph b of this Act. All public school
4 classes in Iowa history will be eligible to submit entries accompanied
5 by an essay supporting their selection. It shall be the intent of this
6 contest to not only provide a suitable name for the building, but to
7 stimulate interest in Iowa history and its citizens who have contributed
8 to its growth, welfare, and progress.

9 The capitol planning commission shall select the winning entry and
10 submit it to the second session of the Sixty-sixth General Assembly for
11 approval.

12 A suitable prize or award, not to exceed fifty dollars in cost, will be
13 presented to the winning class.

14 Expenses for this contest shall be paid from funds appropriated to
15 the capitol planning commission for planning.

*Approved July 18, 1975 except the item designated as Sec. 7 herein
which I hereby disapprove for the reasons set forth in my veto message de-
livered to the Secretary of State this same date, the original of which is at-
tached hereto.

s/ ROBERT D. RAY, Governor

This Act was passed prior to July 1, 1975; see §3.12 of the Code

CHAPTER 63

CLAIMS

S. F. 580

AN ACT to make appropriations from the general fund and reimbursement fund of the state to certain 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 and reim-				
2	bursement fund of the state to the following persons the amount set				
3	opposite their respective names in full settlement of all claims which				
4	they may have against the state of Iowa:				
5				Nature of	
6	Claimant	Claim No.	Claim	Amount	
7	1. Lawrence Maasdam d/b/a	1884-64-25	County regis-	\$ 194.00	
8	Maasdam Construction		tration fee		
9	Company		refund		
10	Sully, Iowa				
11	2. Ockenfeis Transfer	1890-64-25	County plate	175.86	
12	Iowa City, Iowa		fee refund		
13	3. Chesterman Company	2314-64-25	Registration	219.67	
14	Sioux City, Iowa		fee refund		
15	4. Ivan L. Sanders	2696-64-25	Prorate refund	566.02	
16	Le Mars, Iowa				
17	5. Estate of Dena Rietema	402-65-25	Refund transfer	68.89	
18	c/o John Rietema,		tax		
19	Executor				
20	Kanawha, Iowa				
21	6. Roederer Transfer and	435-65-25	Registration	67.50	
22	Storage Co.		fee refund		
23	Davenport, Iowa				
24	7. Ruth Warden	462-65-25	Back salary	55.50	
25	Omaha, Nebraska				
26	8. Elva Hansen	467-65-25	Merit pay	52.00	
27	Woodward, Iowa		adjustment		
28	9. Fingerhut Manufacturing	678-65-25	Fine refund	95.52	
29	Co.				
30	St. Cloud, Minnesota				
31	10. Fern M. Hutcheson	684-65-25	Merit pay	87.00	
32	Marshalltown, Iowa		adjustment		
33	11. Ben Schwartz d/b/a	734-65-25	County license	242.16	
34	Schwartz		fee refund		
35	Marshalltown, Iowa				
36	12. Farmers Union Coop	750-65-25	Special permit	53.00	
37	Elevator		refund		
38	Kennebec, South Dakota				
39	13. James A. Clark	759-65-25	License refund	200.00	
40	Logan, Iowa				
41	14. Onley Refrigerated	1150-65-25	Fine refund	50.00	
42	Transport				
43	Oakland, Iowa				
44	15. Myron Roenfeld	2003-65-25	Eyeglasses broken	35.00	
45	Silver City, Iowa		by patient		
46	16. John E. Campbell	2028-65-25	Prorate registra-	240.00	
47	Guthrie Center, Iowa		tion fee refund		
48	17. Michael E. Gammon	2052-65-25	Broken eyeglasses	52.50	
49	Roland, Iowa				

		Claim No.	Nature of Claim	Amount
50				
51	Claimant			
52	18. Phil Weerheim	2062-65-25	Registration	99.80
53	Rock Rapids, Iowa		fee refund	
54	19. W. A. LaBaube	2077-65-25	Fine refund	30.00
55	Berger, Missouri			
56	20. Harold L. Gillette	2087-65-25	Damage of employ-	66.75
57	Atlantic, Iowa		ee's eyeglasses	
58	21. Dean C. Lingle	2094-65-25	Registration	267.93
59	Holstein, Iowa		fee refund	
60	22. Bulk Carriers, Inc.	2180-65-25	Fine refund	40.00
61	Auburn, Nebraska			
62	23. Iowa-Illinois Concrete	2191-65-25	Fine refund	28.00
63	Products Corp.			
64	Bettendorf, Iowa			
65	24. Joseph Hottes	2209-65-25	Retroactive pay	407.50
66	Des Moines, Iowa			
67	25. J. D. Westhoff Transp.	2217-65-25	Registration	629.54
68	New Vienna, Iowa		fee refund	
69	26. Thomas Dean Heuertz	2222-65-25	Registration	236.86
70	Le Mars, Iowa		fee refund	
71	27. Wells Dairy Company	2232-65-25	County license	106.41
72	Le Mars, Iowa		fee refund	
73	28. Janssen & Bartelson	2240-65-25	License refund	327.27
74	Milk Hauling			
75	Sibley, Iowa			
76	29. Innovar Industries of	2360-65-25	Fine refund	32.00
77	Glasstite			
78	Dunnell, Minnesota			
79	30. Steve Meyers Trucking	2368-65-25	Registration	237.10
80	Humeston, Iowa		fee refund	
81	31. ADR Industries, Inc.	2403-65-25	License fee	157.50
82	Adair, Iowa		refund	
83	32. Dealers Transport Co.	2420-65-25	Trip permit	150.00
84	Kansas City, Missouri		refund	
85	33. Harkers Wholesale	2433-65-25	License fee	115.00
86	Meat, Inc.		refund	
87	Le Mars, Iowa			
88	34. Hove Truck Line	2437-65-25	License fee	175.00
89	Stanhope, Iowa		refund	
90	35. Ace Line, Inc.	2511-65-25	Reciprocity	5,761.20
91	Des Moines, Iowa		fee refund	
92	36. Mackey Trucking	2533-65-25	License refund	58.62
93	Churdan, Iowa			
94	37. Hirschbach Motor	2538-65-25	License refund	2,569.35
95	Lines, Inc.			
96	Sioux City, Iowa			
97	38. Palco Service Bureau	2554-65-25	Registration	92.52
98	New Haven, Indiana		fee refund	
99	39. Donald F. Stone	2576-65-25	License fee	199.00
100	Fredericksburg, Iowa		refund	
101	40. Buff Scott, Jr.	2621-65-25	Shirt torn by	5.59
102	Cherokee, Iowa		patient	
103	41. Mid Equipment, Inc.	2622-65-25	Registration	514.66
104	Grundy Center, Iowa		fee refund	
105	42. Edith Abbott	2639-65-25	Broken glasses	91.00
106	Independence, Iowa		by patient	

	Claimant	Claim No.	Nature of Claim	Amount
107				
108	Claimant			
109	43. Robert Lee Porter	2640-65-25	Clothing damaged	18.52
110	Cherokee, Iowa		by patient	
111	44. O's Gold Seed	(8)2721-66-25	Reciprocity	210.84
112	Company		refund	
113	Parkersburg, Iowa			
114	45. Lumbermans' Wholesale	35-66-25	Reciprocity	60.00
115	Des Moines, Iowa		refund	
116	46. Dorothy B. Cummings	37-66-25	Damage to glasses	26.00
117	Ainsworth, Iowa		by patient	
118	47. Warren D. Chemical	39-66-25	Outdated invoice	360.00
119	Omaha, Nebraska			
120	48. David R. Pate	48-66-25	Damage to cloth-	25.00
121	Mt. Pleasant, Iowa		ing by patient	
122	49. John F. Kneip	59-66-25	Damage to cloth-	6.00
123	Cherokee, Iowa		ing by patient	
124	50. Nancy E. Roper	64-66-25	Damage to eye-	22.95
125	Independence, Iowa		glasses by patient	
126	51. Jerrold E. Groves	92-66-25	Windshield broken	46.80
127	Boone, Iowa		when performing	
128			audit	
129	52. James C. Murphy	174-66-25	Employee property	27.90
130	Independence, Iowa		damage by patient	
131	53. Abdul Ahad, M.D.	202-66-25	Outdated invoice	121.32
132	St. Joseph, Missouri		for service	
133			(salary)	
134	54. Duane Smith	211-66-25	Property damage	27.00
135	Davenport, Iowa		by patient	
136	55. Branson Truck Line	218-66-25	Fine refund	20.00
137	Lyons, Kansas			
138	56. Douglas Mordhorst	330-66-25	Replace stolen	82.36
139	Hornick, Iowa		property	
140	57. Annabell E. Johnson	362-66-25	Auto damage	40.00
141	Cherokee, Iowa			
142	58. Lock Trucking, Inc.	416-66-25	Trip permit	120.00
143	Wheatland, Wyoming		refund	
144	59. Ruby V. Cavanaugh	468-66-25	Property damage	7.00
145	Woodward, Iowa			
146	60. Terry Chitty	488-66-25	Property loss	154.96
147	Toledo, Iowa			
148	61. Holmes Freight Lines	569-66-25	Prorate regis-	1,173.64
149	Omaha, Nebraska		tration fee	
150			refund	
151	62. Jill Oldham	572-66-25	Property damage	25.00
152	Charles City, Iowa			
153	63. Kenneth C. Fuson	582-66-25	Property damage	59.50
154	Granger, Iowa			
155	64. Karon K. Prindle	604-66-25	Property damage	25.00
156	Pacific Junction, Iowa			
157	65. Edward J. Staker	633-66-25	Property damage	50.00
158	Woodward, Iowa			
159	66. Harold Stout	634-66-25	Property damage	45.00
160	Granger, Iowa			
161	67. Barrett Mobile Home	708-66-25	License fee	267.90
162	Transport, Inc.		refund	
163	Moorhead, Minnesota			

		Claim No.	Nature of Claim	Amount
164				
165	Claimant			
166	68. Weston K. Laing	775-66-25	Merit employ-	5.76
167	Chariton, Iowa		ment claim	
168	69. Daniel R. Frye	779-66-25	Merit employ-	6.00
169	Russell, Iowa		ment claim	
170	70. Thomas L. Hardie	784-66-25	Merit pay increase	4.80
171	Chariton, Iowa			
172	71. David P. Witman	786-66-25	Merit pay increase	4.80
173	Chariton, Iowa			
174	72. John L. Gardner	797-66-25	Merit pay increase	5.76
175	Chariton, Iowa			
176	73. Charles Moon	798-66-25	Merit pay increase	5.76
177	Chariton, Iowa			
178	74. Robert J. Moad	807-66-25	Merit pay increase	6.20
179	Chariton, Iowa			
180	75. Mary Lois Steeve	865-66-25	Eyeglasses dam-	10.00
181	Clarinda, Iowa		aged by patient	
182	76. Lois E. Rohrbaugh	874-66-25	Eyeglasses dam-	29.00
183	Peterson, Iowa		aged by patient	
184	77. Aid Insurance Company	929-66-25	Property damage	165.83
185	(Mutual)			
186	Des Moines, Iowa			
187	78. Fred Peters	958-66-25	Refund of	1,500.00
188	Muscatine, Iowa		medical costs	
189	79. Marsha L. Thomas	999-66-25	Eyeglasses broken	38.00
190	West Des Moines, Iowa		by patient	
191	80. Alice Pitts	1067-66-25	Eyeglasses broken	18.00
192	Woodward, Iowa		by patient	
193	81. William C. Rhoads	1069-66-25	Property damage	16.00
194	Woodward, Iowa			
195	82. Mildred F. Florke	1081-66-25	Eyeglasses dam-	11.00
196	Cherokee, Iowa		aged by patient	
197	83. Robert L. Platt	825-66-25	Stolen equipment	500.00
198	Box 324			
199	Early, Iowa			
200	84. William Edward	2705-65-25	Property damage	38.00
201	Kreamalmyer			
202	Niota, Illinois			
203	85. Randy Cermak	1185-66-25	Property damage	10.00
204	Mt. Pleasant, Iowa			
205	86. Carl D. Casey	1234-66-25	Merit Employment	12.88
206	Corydon, Iowa		claim	
207	87. Victor L. Preisser	1380-66-25	Outdated	1,815.46
208	Ames, Iowa		invoice	
209	88. Mrs. Jacqueline J. Hall	1462-66-25	Property damage	12.95
210	Woodward, Iowa			
211	89. Bennett Box Company	2249-65-25	Fine refund	14.00
212	Centerville, Iowa			

1 SEC. 2. The amount of the claims against the state in subsections
2 one (1), two (2), three (3), four (4), six (6), eleven (11), twelve (12),
3 thirteen (13), sixteen (16), eighteen (18), twenty-one (21), twenty-five
4 (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty (30),
5 thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-
6 five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine

7 (39), forty-one (41), forty-four (44), forty-five (45), fifty-eight (58),
 8 sixty-one (61), and sixty-seven (67) of section one (1) of this Act shall be
 9 paid from the reimbursement fund provided for in section three
 10 hundred twenty-one point one hundred twenty-nine (321.129) of the
 11 Code. The remainder of the claims listed in section one (1) of this Act
 12 shall be paid from the general fund of the state.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 64

EXECUTIVE COUNCIL CONTINGENT FUND

S. F. 561

AN ACT creating and making an appropriation to the executive council general contingent fund.

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

1 SECTION 1. There is created an executive council general contingent
 2 fund. The fund shall be administered by the executive council. Alloca-
 3 tions from the fund may be made only for contingencies arising during
 4 the fiscal year commencing July 1, 1975 which are legally payable from
 5 the funds of the state. The executive council shall not approve alloca-
 6 tion 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, nor shall the executive council approve allocations from
 9 the fund for any purpose which is not a contingency according to law
 10 or is not a contingency for which funds may be allocated according to
 11 law.

12 Before any of the funds appropriated by this Act shall be allocated,
 13 a written recommendation shall first be obtained from the state comp-
 14 troller and the executive council shall determine that the proposed al-
 15 location shall be for the best interest of the state. The executive
 16 council shall not spend any money out of the contingent fund while
 17 the general assembly is in session.

1 SEC. 2. There is appropriated from the general fund of the state for
 2 the executive council general contingent fund for the fiscal year com-
 3 mencing July 1, 1975 and ending June 30, 1976, the following amount,
 4 or so much thereof as may be necessary, to be used in the manner pro-
 5 vided in section one (1) of this Act.

	1975-1976
	<u>Fiscal Year</u>
6	
7	
8	\$50,000

Approved June 16, 1975

GENERAL LAWS

GENERAL LAWS

For additional general laws see several appropriation Acts

CHAPTER 65

SALARY AND EXPENSES OF LIEUTENANT GOVERNOR

S. F. 115

AN ACT to provide for payment of the lieutenant governor's salary and expenses from funds specifically appropriated to the office of the lieutenant governor.

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

1 SECTION 1. Section two point ten (2.10), subsection two (2), Code
2 1975, is amended to read as follows:

3 2. The lieutenant governor shall receive an annual salary of twelve
4 thousand dollars. Personal expense and travel allowances shall be the
5 same for the lieutenant governor as for a senator.

6 The lieutenant governor while performing administrative duties of
7 the office of lieutenant governor when the general assembly is not in
8 session or serving as the president of the senate during special sessions
9 of the general assembly shall receive sixty dollars per diem and reim-
10 bursement for expenses incurred in performing such duties pursuant to
11 the appropriation made by the general assembly.

12 *The salary, per diem, and expenses of the lieutenant governor pro-*
13 *vided for under this subsection, including office and staff expenses,*
14 *shall be paid from funds appropriated to the office of the lieutenant*
15 *governor by the general assembly.*

Approved March 7, 1975

CHAPTER 66

VOTE FOR GOVERNOR CANVASSED

H. F. 160

AN ACT relating to canvass of vote for governor.

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

1 SECTION 1. Section two point twenty-seven (2.27), Code 1975, is
2 amended to read as follows:

3 **2.27 Canvass of votes for governor.** The general assembly shall
4 meet in joint session on the same day the assembly first convenes in
5 January in each odd-numbered year, or of 1979 and every four years
6 thereafter as soon thereafter as both houses have been organized, and
7 canvass the votes cast for governor and lieutenant governor and deter-
8 mine the election; and when the canvass is completed, the oath of of-
9 fice shall be administered to the persons so declared elected and the
10 governor shall deliver to the joint assembly any message he may deem
11 expedient.

Approved May 15, 1975

CHAPTER 67

OMNIBUS CORRECTIONS

H. F. 894

AN ACT relating to correcting erroneous, inconsistent and obsolete sections of the Code.

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

1 SECTION 1. Section three point four (3.4), Code 1975, is amended to
2 read as follows:

3 **3.4 Bills—approval—passage over veto.** If the governor ap-
4 proves a bill, he shall sign and date it; if he returns it with his objec-
5 tions and it afterwards passes as provided in the Constitution, a
6 certificate, signed by the presiding officer of each house in the follow-
7 ing form, shall be endorsed thereon or attached thereto: "This bill or
8 *this item of an appropriation bill, as the case may be*, having been
9 returned by the governor, with his objections, to the house in which it
10 originated, and, after reconsideration, having again passed both houses
11 by yeas and nays by a vote of two-thirds of the members of each
12 house, has become a law this.....day of.....

1 SEC. 2. Section fourteen point twenty-one (14.21), Code 1975, is
2 amended to read as follows:

3 **14.21 Publication of parts of Code.** The printing ~~board~~ *division*
4 may cause to be printed from time to time, in the form of leaflets,
5 folders, or pamphlets and in such numbers as the ~~board~~ *division* deems
6 reasonable, parts of the Code for the use of public officers. Such orders
7 shall be limited to actual needs as shown by experience or other compe-
8 tent proof, and the printing shall, as far as practicable, be done from
9 the plates or slugs from which the Code has been printed.

1 SEC. 3. Section seventeen point three (17.3), subsection eleven (11),
2 Code 1975, is amended to read as follows:

3 11. ~~Board of curators of state historical society~~ *State historical*
4 *board.*

1 SEC. 4. Section seventeen point three (17.3), Code 1975, is amended
2 by striking subsection twelve (12).

1 SEC. 5. Section forty-four point four (44.4), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 **44.4 Nominations and objections—time and place of fil-**
4 **ing.** Nominations made under the provisions of this chapter and
5 chapter 45 which are required to be filed in the office of the state com-
6 missioner shall be filed in that office not more than eighty-five (~~days~~)
7 *days* nor later than five o'clock p.m. on the sixty-seventh day prior to
8 the date of the general election to be held in November; and those
9 nominations made for a special election called pursuant to section
10 69.14 shall be filed not less than twenty days prior to the date of an
11 election called upon at least forty days' notice and not less than seven
12 days prior to the date of an election called upon at least ten days' no-
13 tice. Nominations made pursuant to this chapter and chapter 45 which
14 are required to be filed in the office of the commissioner shall be filed
15 in that office not later than five o'clock p.m. on the fifty-fifth day
16 prior to the date of the general election. Nominations made under this
17 chapter or chapter 45 for city office shall be filed not more than sixty-
18 five days nor later than five o'clock p.m. on the fortieth day prior to
19 the city election with the city clerk, who shall process them as provided
20 by law.

1 SEC. 6. Section sixty-four point six (64.6), subsection nineteen (19),
2 Code 1975, is amended to read as follows:

3 19. ~~Curator historical department~~ *Director of the historical mu-*
4 *seum and archives*, one thousand dollars.

1 SEC. 7. Section seventy-eight point two (78.2), subsection six (6),
2 Code 1975, is amended to read as follows:

3 6. All investigators for ~~old-age~~ *supplemental* assistance as provided
4 for under chapter 249.

1 SEC. 8. Section eighty-three A point six (83A.6), Code 1975, is
2 amended by striking subsection four (4).

1 SEC. 9. Section ninety-three point seven (93.7), subsection ten (10),
2 Code 1975, is amended to read as follows:

3 10. Promulgate rules necessary to carry out the provisions of this
4 chapter, subject to review in accordance with chapter 17A. Before a
5 proposed rule is submitted to the ~~departmental~~ *administrative* rules
6 review committee, a public hearing shall be held in regard to the rule,
7 and members of the ~~departmental~~ *administrative* rules review commit-
8 tee shall be notified of the hearing as required in section ~~17A.16 seven-~~
9 ~~teen A point four (17A.4), subsection one (1) of the Code.~~ Rules pro-
10 mulgated by the governor pursuant to a proclamation issued under the
11 provisions of section 93.8 shall not be subject to review or a public
12 hearing as required in this subsection.

1 SEC. 10.* Section ninety-six point four (96.4), subsections one (1)
2 and three (3), Code 1975, as amended by Senate File four hundred
3 eighty-five (485)** enacted by the Sixty-sixth General Assembly, 1975
4 Session, is amended to read as follows:

5 1. He has registered for work at and thereafter has continued to re-
6 port at an employment office in accordance with such regulations as
7 the commission may prescribe. The provisions of this subsection shall
8 be waived if the individual is deemed temporarily unemployed as de-
9 fined in section ~~thirty-two (32)~~ *thirty-three (33)* of this Act.

10 3. He is able to work, is available for work, and is earnestly and ac-
11 tively seeking work. The provision of this subsection shall be waived if
12 he is deemed temporarily unemployed as defined in section ~~thirty-two~~
13 ~~(32)~~ *thirty-three (33)* of this Act.

1 SEC. 11.* Section ninety-six point seven (96.7), subsection four (4),
2 paragraph a, Code 1975, as amended by Senate File four hundred
3 eighty-five (485)** enacted by the Sixty-sixth General Assembly, 1975
4 Session, is amended to read as follows:

5 a. As soon as practicable and in any event within two years after an
6 employer has filed reports, as required by the commission pursuant to
7 section 96.11, subsection 7, the commission shall examine such reports
8 and determine the correct amount of contributions due, and the
9 amount so determined by the commission shall be the contributions
10 payable. If the contributions found due shall be greater than the
11 amount theretofore paid the notice with respect to the additional con-
12 tributions, together with any interest and penalty, shall be sent by cer-
13 tified mail. A lien shall attach as provided in section ~~twenty-four (24)~~
14 *twenty-three (23)* of this Act if the assessment is not paid or appealed
15 within thirty days of the date of the notice of assessment.

1 SEC. 12. Section one hundred twenty-three point forty-nine
2 (123.49), subsection two (2), paragraph f, Code 1975, is amended to read
3 as follows:

*Section not in the bill for this Act as originally submitted

**Ch 92

4 f. Any person under legal age shall not be employed in the sale or
 5 serving of alcoholic liquor or beer for consumption on the premises
 6 where sold unless the person shall be at least eighteen years old and
 7 the business of selling food or other services constitutes more than fifty
 8 percent of the gross business transacted therein and then only for the
 9 purpose of serving or clearing alcoholic beverages or beer as an incident
 10 to a meal. This paragraph shall not apply to class "C" beer permit
 11 holders.

1 SEC. 13. Section one hundred twenty-seven point twelve (127.12),
 2 Code 1975, is amended to read as follows:

3 **127.12 Duty of commissioner.** The commissioner of public safe-
 4 ty, upon receipt of the notice aforesaid, shall, if the owner appears of
 5 record in his *the office of the state department of transportation*, noti-
 6 fy such owner of the fact of seizure, and if not of record, said commis-
 7 sioner shall mail such description to the county treasurer of each
 8 county.

1 SEC. 14. Section one hundred thirty-five D point twenty-nine
 2 (135D.29), Code 1975, is amended to read as follows:

3 **135D.29 Manufacturer to file list of models.** Every manufac-
 4 turer of a mobile home sold or offered for sale within this state, either
 5 by the manufacturer, distributor, dealer, or any other person, shall,
 6 not later than September 1 of each year, file a statement in the office
 7 of the *state department of public safety transportation* showing the
 8 various models manufactured by him, and the retail list price. He shall
 9 also make the same report on subsequent new models manufactured.
 10 For the purposes of this chapter, the retail list price shall be the sug-
 11 gested retail price f.o.b. the factory including the price of any fixtures
 12 permanently installed in or attached to the mobile homes, less the
 13 price of any household goods or furnishings.

1 SEC. 15. Section one hundred forty-eight point six (148.6), subsec-
 2 tion one (1), Code 1975, is amended to read as follows:

3 1. In addition to the provisions of sections 147.58 to 147.71, the med-
 4 ical examiners after due notice and hearing may direct the commission-
 5 er of health to issue an order to revoke or suspend a license to practice
 6 medicine and surgery, osteopathic medicine and surgery or osteopathy,
 7 or to discipline a person licensed to practice medicine and surgery, os-
 8 teopathic medicine and surgery or osteopathy for any of the grounds
 9 set forth in ~~sections~~ *section 147.55 and 147.56* or if, after a hearing, the
 10 medical examiners determine that a physician licensed to practice med-
 11 icine and surgery, osteopathic medicine and surgery or osteopathy is
 12 guilty of any of the following acts or offenses:

1 SEC. 16. Section one hundred forty-eight point seven (148.7), sub-
 2 section seven (7), Code 1975, is amended to read as follows:

3 7. If a majority of the members of the board vote in favor of finding
 4 the licensee guilty of an act or offense specified in ~~sections~~ *section*
 5 ~~147.55; 147.56~~ or 148.6, the board shall prepare written findings of fact
 6 and its decision imposing one or more of the following disciplinary
 7 measures:

1 SEC. 17. Section one hundred seventy point one (170.1), subsection
 2 six (6), Code 1975, is amended to read as follows:

3 6. "Food establishment" shall include any building, room, base-
 4 ment, or other place, used as a bakery, confectionery, cannery, packing

5 house, slaughterhouse, dairy, creamery, cheese factory, retail grocery,
6 meat market, or other place in which food is kept, produced, prepared,
7 or distributed for commercial purposes for off the premise consump-
8 tion, except those premises holding a current class "A" license permit
9 issued pursuant to chapter ~~124~~ 123.

1 SEC. 18. Section two hundred three A point fifteen (203A.15), sub-
2 section three (3), Code 1975, is amended to read as follows:

3 3. Before promulgating any regulations contemplated by section
4 203A.10, subsections 2, 4, 5, 6, 7, 8, ~~11 and 13~~, and 11, or section
5 203A.14, subsection 2, the board shall give appropriate notice of the
6 proposal and of the time and place for a hearing.

1 SEC. 19. Section two hundred seventeen point eight (217.8), Code
2 1975, is amended to read as follows:

3 **217.8 Division of child and family services.** The director of the
4 division of child and family services shall be qualified by training, ex-
5 perience and education in the field of welfare and social problems. He
6 shall be entrusted with the administration of programs involving ne-
7 glected, dependent and delinquent children, child welfare, aid to de-
8 pendent children, aid to disabled persons and shall administer and be
9 in control of the Iowa juvenile home, ~~The Iowa Annie Wittenmyer~~
10 ~~Home, the state juvenile home~~, the state training schools for boys and
11 for girls, the Iowa soldiers home and such other related programs estab-
12 lished for the general welfare of families, adults and children as direct-
13 ed by the commissioner.

1 SEC. 20. Section two hundred eighteen point fifty-eight (218.58),
2 Code 1975, is amended to read as follows:

3 **218.58 State architect.** The commissioner of the department of
4 social services may employ a competent architect, and such draftsmen
5 as may be authorized by law. Said architect shall, in addition to sala-
6 ry, be reimbursed for his actual and necessary expenses within the state
7 while engaged in official business. In cases of sufficient magnitude the
8 commissioner may secure the advice of a consulting architect, or may
9 secure plans and specifications from other architects, at a cost not ex-
10 ceeding one thousand five hundred dollars in any year, unless a larger
11 amount is approved by the ~~budget and financial control committee~~
12 ~~executive council~~.

1 SEC. 21. Section two hundred thirty-two point thirty-three (232.33),
2 subsection five (5), Code 1975, is amended to read as follows:

3 5. Commit to or place the child in any private institution or hospital
4 for the care and training of children or any public institution or hospi-
5 tal for the care and training of children other than an institution
6 ~~named in subsection 4 of this section and section 232.34~~, subsection 4
7 ~~under the jurisdiction of the commissioner of social services.~~

1 SEC. 22. Section two hundred thirty-two point thirty-four (232.34),
2 subsection five (5), Code 1975, is amended to read as follows:

3 5. Commit to or place the child in any private institution or hospital
4 for care and training or any public institution or hospital for care and
5 training other than an institution ~~named in subsection 4 of this section~~
6 ~~and section 232.33~~, ~~subsection 4 under the jurisdiction of the commis-~~
7 ~~sioner of social services.~~

1 SEC. 23. Section two hundred fifty-seven point twenty-six (257.26),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. The provisions of this section shall not deprive the respective
4 boards of public school districts of any of their legal powers statutory
5 or otherwise, and in accepting such specially enrolled students, each of
6 said boards shall prescribe the terms of such special enrollment, includ-
7 ing but not limited to scheduling of such courses and the length of
8 class periods. In addition, the board of the affected public school dis-
9 trict shall be given notice by the state board of its decision to permit
10 such special enrollment not later than six months prior to the opening
11 of the affected public school district's school year, except that the
12 board of the public school district may, in its discretion, waive such no-
13 tice requirement. School districts and ~~county school systems or joint~~
14 ~~county systems, or their successor agencies~~ *area education agency*
15 *boards*, may, when available, make public school auxiliary services,
16 which may include health services, special education services, services
17 and materials for remedial education programs and library and re-
18 source centers, audio-visual services and materials, guidance services,
19 scientific instruments, school testing services, and other services and
20 materials, available to children attending nonpublic schools in the
21 same manner and to the same extent that they are provided to public
22 school students.

1 SEC. 24. Section two hundred seventy-three point eight (273.8), sub-
2 section two (2), unnumbered paragraph three (3), Code 1975, is amend-
3 ed to read as follows:

4 The director district conventions shall be called and the locations of
5 the conventions shall be determined by the area education agency su-
6 ~~perintendent administrator~~. Annually the director district conventions
7 shall be held within two weeks following the regular school election.
8 Notice of the time, date and place of the director district conventions
9 shall be published by the area education agency ~~superintendent ad-~~
10 ~~ministrator~~ at least forty-five days prior to the day of the district con-
11 ventions in at least one newspaper of general circulation in the merged
12 area. The cost of publication shall be paid by the area education agen-
13 cy.

1 SEC. 25. Section two hundred seventy-five point three (275.3), Code
2 1975, is amended to read as follows:

3 **275.3 Minimum standards.** No new school district shall be
4 planned by a ~~county board of education~~ *an area education agency*
5 *board* nor shall any proposal for creation or enlargement of any school
6 district be approved by a ~~county board of education~~ *an area educa-*
7 *tion agency board* or submitted to electors unless there reside within
8 the proposed limits of such district at least three hundred persons of
9 school age who were enrolled in public schools in the preceding school
10 year. Provided, however, that the state superintendent of public in-
11 struction shall have authority to grant permission to a ~~county~~ *an area*
12 *education agency* board to approve the formation or enlargement of a
13 school district containing a lower school population than above provid-
14 ed on the written request of such ~~county board of education~~ *area edu-*
15 *cation agency board* if such request is accompanied by evidence tend-
16 ing to show that sparsity of population, natural barriers or other good
17 reason makes it impracticable to meet said school population require-
18 ment.

1 SEC. 26. Section two hundred seventy-five point twelve (275.12),
2 subsection two (2), paragraphs c and d, Code 1975, as amended by Acts
3 of the Sixty-sixth General Assembly, 1975 Session, House File seven

4 hundred (700), section one hundred twenty-six (126), are amended to
5 read as follows:

6 c. Election of not more than one-half of the total number of school
7 directors at large from the entire district and the remaining directors
8 from and as residents of designated single-member director districts in-
9 to which the entire school district shall be divided on the basis of popu-
10 lation. In such case, all directors shall be elected by the electors of the
11 entire school district. *Changes in the boundaries of director districts*
12 *shall not be made during a period commencing sixty days prior to*
13 *the date of the annual school election.*

14 d. Division of the entire school district into designated geographical
15 subdistricts on the basis of population, to be known as director dis-
16 tricts, each of which director districts shall be represented on the school
17 board by one director who shall be a resident of such director district
18 and who shall be elected by the voters of said director district. Place of
19 voting in such director districts shall be designated by the ~~county~~
20 ~~board~~ *commissioner of elections. Changes in the boundaries of di-*
21 *rector districts shall not be made during a period commencing sixty*
22 *days prior to the date of the annual school election.*

1 SEC. 27. Section two hundred seventy-five point twenty-three
2 (275.23), Code 1975, is amended to read as follows:

3 **275.23 Canvass and return.** The judges of election shall count
4 the ballots, make return to and deposit the ballots with the county
5 commissioner of elections, who shall enter the return of record in his
6 office. The county commissioner of elections shall certify the results of
7 the election to the area education agency ~~superintendent~~ *administra-*
8 *tor.* If the majority of the votes cast by the qualified electors are in fa-
9 vor of the proposition, as provided in section 275.20, a new school
10 corporation shall be organized. The area education agency administra-
11 tor shall file a written description of the boundaries as provided in sec-
12 tion 274.4.

1 SEC. 28. Section two hundred eighty-five point eight (285.8), sub-
2 section two (2), Code 1975, is amended to read as follows:

3 2. Review and establish the location of bus routes which are located
4 in more than one ~~county~~ *area education agency* when the ~~county~~
5 ~~boards of education~~ *area education agency boards* of the affected
6 ~~counties~~ *area education agencies* after formal action do not approve.

1 SEC. 29. Section two hundred ninety point four (290.4), Code 1975,
2 is amended to read as follows:

3 **290.4 Witnesses—fees—collection.** The state board of public in-
4 struction in all matters triable before it shall have power to issue sub-
5 poenas for witnesses, which may be served by any peace officer, compel
6 the attendance of those thus served, and the giving of evidence by
7 them, in the same manner and to the same extent as the district court
8 may do, and such witnesses and officers may be allowed the same com-
9 pensation as is paid for like attendance or service in such court, which
10 shall be paid out of the general fund of the proper school corporation,
11 upon the certificate of the state board to and warrant of the secretary
12 upon the treasurer; but if the ~~superintendent board~~ is of the opinion
13 that the proceedings were instituted without reasonable cause therefor,
14 or if, in case of an appeal, it shall not be sustained, it shall enter such
15 findings in the record, and tax all costs to the party responsible there-
16 for. A transcript thereof shall be filed in the office of the clerk of the
17 district court and a judgment entered thereon by him, which shall be
18 collected as other judgments.

1 SEC. 30.* Section three hundred three A point eight (303A.8), Article two (II), Code 1975, is amended to read as follows:

3 ARTICLE II—PROCEDURE

4 Referred to in Art. VII**

5 The appropriate state library officials and agencies having comparable powers with those of the Iowa state traveling library commission of the party states or any of their political subdivisions may, on behalf of said states or political subdivisions, enter into agreements for the cooperative or joint conduct of library services when they shall find that the executions of agreements to that end as provided herein will facilitate library services.

1 SEC. 31. Section three hundred twenty-one point one hundred twenty-six (321.126), subsection three (3), Code 1975, is amended to read as follows:

3 3. If the motor vehicle is stolen, the owner shall give notice of such theft to the county treasurer or the department within five days, who in turn shall notify the department. If the motor vehicle is not recovered by the owner before December 1 of the year for which the registration fee was paid, the owner shall make affidavit of such theft and make claim for refund.

1 SEC. 32. Section three hundred twenty-one point two hundred twelve (321.212), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 The department shall not suspend ~~revoke~~ a license under the provisions of ~~subsections 6 and 7~~ subsection six (6) of section 321.209 for more than thirty days nor less than five days as recommended by the trial court.

1 SEC. 33. Section three hundred twenty-two point six (322.6), subsections nine (9) and ten (10), Code 1975, are amended to read as follows:

3 9. Has violated any of the provisions of sections 321.77, 321.78, 321.80, 321.81, 321.92, 321.97, 321.98, 321.99, 321.100, 539.4 and 713.24; ;
5 or

6 10. ~~(And)~~ *If* it has been judicially determined that the licensee has intentionally violated any of the provisions of the Iowa consumer credit code, and the licensee continues to make consumer credit sales, consumer loans or consumer leases in violation of the Iowa consumer credit code.

1 SEC. 34. Section three hundred twenty-four point seventy-four (324.74), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

3 Any person found guilty of any of the foregoing illegal acts shall for the first offense be fined three hundred dollars, and for the second and subsequent offenses shall be fined five hundred dollars and all of his licenses held under the "Iowa Motor Vehicle Fuel Tax Law" may, at the discretion of the court, be suspended for a period of up to six months.

1 SEC. 35. Section three hundred twenty-seven A point three (327A.3), Code 1975, is amended to read as follows:

3 **327A.3 Applicable sections of law.** The provisions of sections 4 325.7 to ~~325.24~~ 325.21 insofar as applicable are hereby extended to include liquid transport carriers in relation to hearing on an application 5 for the aforesaid certificate of convenience and necessity. 6

*This section not in bill for this Act as originally submitted

**According to enrolled Act

1 SEC. 36. Section three hundred twenty-seven A point seventeen
2 (327A.17), Code 1975, is amended to read as follows:

3 **327A.17 Rules.** The ~~commission board~~ shall also have power and
4 authority by general order or otherwise to prescribe rules applicable to
5 liquid transport carriers. The state department is hereby authorized
6 and empowered to prescribe and enforce safety ~~regulations~~ rules in the
7 operation of liquid transport carriers, require a periodic inspection of
8 the equipment of every liquid transport carrier from the standpoint of
9 enforcement of safety ~~regulations~~ rules, and such equipment shall be
10 at all times subject to inspection by properly authorized representatives
11 of the department.

1 SEC. 37. Section three hundred thirty-two point seventeen (332.17),
2 subsections eight (8) and nine (9), Code 1975, are amended to read as
3 follows:

4 8. County ~~home care~~ facility steward.

5 9. ~~Soldiers relief commission~~ *Commission on veteran affairs.*

1 SEC. 38. Section three hundred sixty-four point eight (364.8), sub-
2 sections one (1) and six (6), Code 1975, are amended to read as follows:

3 1. The requirement may not be enforced until the ~~Iowa state com-~~
4 ~~merce commission~~ *department of transportation* approves the specifi-
5 cations for a construction or reconstruction, after examination and a
6 determination that the overpass or underpass is necessary for public
7 safety and convenience.

8 6. A city may enforce a requirement made as provided in this section
9 by an action in mandamus, to be conducted and enforced as provided
10 in section 474.25 for actions brought by the ~~Iowa state commerce com-~~
11 ~~mission~~ *department of transportation*. If the city prevails in the man-
12 damus action, in addition to other remedies it may cause the required
13 construction, reconstruction, or maintenance work to be done, and have
14 judgment for the cost of the work against the companies.

1 SEC. 39. Section three hundred sixty-four point ten (364.10), Code
2 1975, is amended to read as follows:

3 **364.10 Railway crossing.** A city may require a railway company
4 to place flagmen, or to construct, maintain, and operate suitable me-
5 chanical signal devices or gates, at railway crossings upon public
6 streets. However, the city or the railway company may submit the mat-
7 ter to the ~~Iowa state commerce commission~~ *department of transporta-*
8 *tion* for a hearing as provided in sections 478.22 and 478.23, and the
9 ~~commission's~~ *department's* determination as to the necessity for cross-
10 ing protection, and the type of crossing protection required, may be
11 appealed by either party to the district court. The court's review on ap-
12 peal is limited to questions relating to jurisdiction, regularity of pro-
13 ceedings, and whether the decision appealed from is arbitrary,
14 unreasonable, or without substantial supporting evidence.

1 SEC. 40. Section four hundred point seventeen (400.17), Code 1975,
2 is amended by striking subsection five (5).

1 SEC. 41. Section four hundred twenty-two point eighty-eight
2 (422.88), Code 1975, is amended to read as follows:

3 **422.88 Aircraft fuel tax transfer.** The department shall certify
4 quarterly to the treasurer of state the amount of credit that has been
5 taken against income tax liability since the time of the last certifica-
6 tion, for the Iowa fuel tax paid on motor fuel, special fuel and motor
7 fuel used for the purpose of operating aircraft, and the treasurer of
8 state shall transfer the amount of the total credit from the motor vehi-

9 ele fuel tax fund, or in the case of aircraft motor fuel, from the separ-
10 rate fund established by section 324.82, to the general fund of the
11 state.

1 SEC. 42. Section four hundred fifty-five A point four (455A.4),
2 Code 1975, is amended to read as follows:

3 **455A.4 Appointment.** The council shall consist of ten members,
4 nine of whom shall be electors of the state of Iowa and shall be select-
5 ed from the state at large solely with regard to their qualifications and
6 fitness to discharge the duties of office without regard to their political
7 affiliation. The tenth member shall be the executive director of the de-
8 partment of environmental quality or his designee, who shall be a non-
9 voting member. The appointive members of the council shall be
10 appointed by the governor with the approval of two-thirds of the mem-
11 bers of the senate and shall be appointed for overlapping terms of six
12 years. The terms of three members of the council shall expire on July 1
13 of each odd-numbered year. Within sixty days following the organiza-
14 tion of each ~~biennial~~ regular session of the general assembly *held dur-*
15 *ing an odd-numbered year*, appointments shall be made of successors
16 to members of the council whose terms of office shall expire on the first
17 of July next thereafter and of members to fill the unexpired portion of
18 vacant terms.

1 SEC. 43. Section four hundred fifty-five B point four (455B.4), un-
2 numbered paragraph three (3), Code 1975, is amended to read as fol-
3 lows:

4 Each commission shall meet at least four times a year. Other meet-
5 ings shall be called by the chairman or upon written request of a ma-
6 jority of the members of the commission. The chairman shall preside at
7 all meetings or in his absence the vice chairman shall preside. The ex-
8 ecutive director shall attend the meetings of the commissions and act
9 as secretary for them. The members of each commission shall be paid a
10 forty-dollar per diem while in session, ~~ten cents a mile for travel~~, and
11 shall be reimbursed for their mileage expense and their actual and nec-
12 essary expenses while attending such meetings. All per diem and ex-
13 pense moneys paid to members shall be paid from funds appropriated
14 to the commission of which they are members.

1 SEC. 44. Section four hundred ninety A point twenty-three
2 (490A.23), Code 1975, is amended to read as follows:

3 **490A.23 Cities—conflict of service.** All rights of municipal cor-
4 porations to franchise and regulate use of streets, alleys and other pub-
5 lic property, and all rights acquired by franchise or agreement shall be
6 preserved in such municipalities, excepting only the duties and juris-
7 diction conferred upon the commission in this chapter. (~~Except as oth-~~
8 ~~erwise~~) *Except as otherwise* provided by section 437.14 whenever the
9 corporate boundaries of any city are extended utility service, as de-
10 fined in section 490A.1, shall be provided in such extended area by the
11 public utility or the municipally owned utility serving such city imme-
12 diately prior to the extension of such boundaries. In the event service
13 is provided, in such extended area, at the time of the extension of the
14 corporate boundaries, by a public utility which does not have a munic-
15 ipal franchise for such city, the facilities located within such extended
16 area shall be purchased at the end of six years from the date the corpo-
17 rate boundaries shall have been extended by the franchised public util-
18 ity of such city or by the municipal utility serving such city and the
19 municipal franchised public utility or municipally owned utility shall
20 furnish such service without interruption upon the acquisition thereof

21 (except as otherwise provided by section 437.14), except as otherwise
 22 provided by section four hundred thirty-seven point fourteen
 23 (437.14) of the Code. The franchised or municipally owned utility
 24 shall pay to the utility serving in the annexed area the fair and reason-
 25 able value of its properties within such annexed area by exchange of
 26 other electric utility property outside such city on a fair and reason-
 27 able basis giving due consideration to revenue from and value of the
 28 respective properties. In the event the public utilities involved are un-
 29 able to agree as to the terms of such exchange, either utility may file
 30 an application with the commission requesting that the commission de-
 31 termine such fair and reasonable terms for such exchange. After notice
 32 and hearing the commission shall determine fair and reasonable terms
 33 for such exchange, or in the event no appropriate properties can be ex-
 34 changed the commission shall fix and determine the fair and reason-
 35 able value of the property within the annexed area, and such transfer
 36 shall be made as directed by the commission. Until such determination
 37 by the commission, the facilities shall remain in place and service to
 38 the public shall be maintained by the owner. However, the utility not
 39 having a municipal franchise and serving such annexed area shall not
 40 extend service to any additional points of delivery within such an-
 41 nexed area if the commission, after notice and hearing, with due con-
 42 sideration of any unnecessary duplication of facilities, shall determine
 43 that such extension is not in the public interest. Provided, however,
 44 that production, generation, high-voltage transmission facilities and
 45 high-voltage transformers owned by a utility in territory annexed to a
 46 city shall be exempt from the operation of this section, and provided
 47 further that if a public utility not having a municipal franchise at the
 48 time of the extension of the corporate boundaries subsequently acquires
 49 a municipal franchise within six years of the extension of the corporate
 50 boundaries such utility shall be exempt from the operation of this sec-
 51 tion.

1 SEC. 45. Section four hundred ninety-six A point twenty-five
 2 (496A.25), unnumbered paragraph one (1), Code 1975, is amended to
 3 read as follows:

4 Except to the extent limited or denied by this section or by the arti-
 5 cles of incorporation, shareholders shall have a pre-emptive right to ac-
 6 quire unissued or treasury shares of or securities convertible into such
 7 shares or carrying a right to subscribe to or acquire shares.

1 SEC. 46. Section five hundred seven B point seven (507B.7), subsec-
 2 tion two (2), Code 1975, is amended to read as follows:

3 2. Until the expiration of the time allowed under section 507B.8,
 4 ~~subsection 1,~~ for filing a petition for review if no such petition has
 5 been duly filed within such time, or, if a petition for review has been
 6 filed within such time, then until the transcript of the record in the
 7 proceeding has been filed in the district court, as hereinafter provided,
 8 the commissioner may at any time, upon such notice and in such man-
 9 ner as he may deem proper, modify or set aside in whole or in part any
 10 order issued by him under this section.

1 SEC. 47. Section five hundred eight point thirteen (508.13), Code
 2 1975, is amended to read as follows:

3 **508.13 Annual certificate of authority.** On receipt of the depos-
 4 it provided in section 511.8, subsection 13 16, and the statement, and
 5 the statement and evidence of investment of foreign companies, all of
 6 which shall be renewed annually, by the first day of March, the com-
 7 missioner of insurance shall issue a certificate setting forth the corpo-

8 rate name of the company, its home office, that it has fully complied
 9 with the laws of the state and is authorized to transact the business of
 10 life insurance for the ensuing year, which certificate shall expire on the
 11 first day of May of the ensuing year, or sooner upon thirty days' no-
 12 tice given by the commissioner, of the next annual valuation of its pol-
 13 icies. Such certificate shall be renewed annually, upon the renewal of
 14 the deposit and statement by a domestic company, or of the statement
 15 and evidence of investment by a foreign company, and compliance
 16 with the conditions above required, and be subject to revocation as the
 17 original certificate.

1 SEC. 48. Section five hundred eight point fourteen (508.14), Code
 2 1975, is amended to read as follows:

3 **508.14 Violation by domestic company.** Upon a failure of any
 4 company organized under the laws of this state to make the deposit
 5 provided in section 511.8, subsection ~~13~~ 16, or file the statement in the
 6 time herein stated, the commissioner of insurance shall notify the at-
 7 torney general of the default, who shall at once apply to the district
 8 court of the county where the home office of such company is located
 9 for an order requiring the company to show cause upon reasonable no-
 10 tice, to be fixed by the court why its business shall not be discontinued.
 11 If, upon the hearing, no sufficient cause is shown, the court shall de-
 12 cree its dissolution.

1 SEC. 49. Section five hundred nine A point three (509A.3), unnum-
 2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 All employees participating in any such plan the fund of which is
 4 created under the provisions of section ~~509.2, subsections 1 and 2~~ five
 5 hundred nine A point two (509A.2) of the Code shall be assessed and
 6 required to pay an amount to be fixed by the governing body not to
 7 exceed the two percent which shall be contributed by the public body
 8 according to the plan adopted, and the amount so assessed shall be de-
 9 ducted and retained out of the wages or salaries of such employees.

1 SEC. 50. Section five hundred fifteen point twenty-five (515.25),
 2 Code 1975, is amended to read as follows:

3 **515.25 Subscriptions of stock—applications.** After compliance
 4 by the incorporators with sections 515.1 and 515.2, the secretary of state
 5 shall certify the articles of incorporation to the commissioner of insur-
 6 ance. When the commissioner of insurance is satisfied that all provi-
 7 sions of law in relation to the promotion and organization of said
 8 corporation, including sections ~~506.3 to 506.5, inclusive~~ five hundred
 9 six point four (506.4) to five hundred six point six (506.6) of the
 10 Code, have been complied with, he shall issue a certificate to that ef-
 11 fect, and thereupon such corporation may open books for subscriptions
 12 to the stock of stock companies or if a mutual company take applica-
 13 tions and receive premiums for insurance at such times and places as it
 14 may find convenient, and may keep such books open until the full
 15 amount required is subscribed or taken, or the time granted therefor
 16 has expired, or until an order is issued by the commissioner of insur-
 17 ance to desist for failure to comply with the provisions of law in refer-
 18 ence thereto.

1 SEC. 51. Section five hundred fifteen point seventy-seven (515.77),
 2 Code 1975, is amended to read as follows:

3 **515.77 Certificate to foreign company.** When any foreign com-
 4 pany has fully complied with the requirements of law and become enti-
 5 tled to do business, the commissioner of insurance shall issue to such
 6 company a certificate of that fact, which certificate shall be renewed

7 annually on the first day of ~~April~~ *May*, if the commissioner is satisfied
 8 that the capital, securities, and investments of such company remain
 9 unimpaired, and the company has complied with the provisions of law
 10 applicable thereto. Provided, however, the commissioner shall not
 11 grant or continue authority to transact insurance in this state as to any
 12 insurer the management of which is found by him, after a hearing held
 13 thereon, in which he shall establish and consider any prior criminal
 14 records or any other matters to be untrustworthy, or so lacking in in-
 15 surance experience as to make the proposed operation hazardous to the
 16 insurance-buying public; or which, after a hearing held thereon, he has
 17 good reason to believe is affiliated directly or indirectly through own-
 18 ership, control, reinsurance transactions or other insurance or business
 19 relations, with any person or persons whose business operations are or
 20 have been marked, to the detriment of policyholders or stockholders or
 21 investors or creditors or of the public, by manipulation or dissipation
 22 of assets, or manipulation of accounts, or of reinsurance, or by similar
 23 injurious actions.

1 SEC. 52. Section five hundred fifteen point one hundred two
 2 (515.102), subsection four (4), Code 1975, is amended to read as follows:

3 4. To lien, or encumbrances thereon created by voluntary act of the
 4 insured and within his control, ~~except a lien accruing to the benefit of~~
 5 ~~the old-age pension fund as provided for in sections 249.19 and 249.20,~~
 6 or

1 SEC. 53. Section six hundred seven point five (607.5), Code 1975, is
 2 amended to read as follows:

3 **607.5 Fees of jurors.** Grand jurors and petit jurors in all courts
 4 shall receive for each day's service or attendance, including attendance
 5 required for the purpose of being considered for service, ten dollars,
 6 *mileage expense* for each mile traveled each day to and from their res-
 7 idences to the place of attendance, ~~ten cents~~, and for actual expenses
 8 of parking, as determined by the clerk of court. No juror shall receive
 9 mileage for travel or actual expenses of parking when he travels in a
 10 vehicle for which another juror is receiving mileage.

1 SEC. 54. Section six hundred thirteen point eleven (613.11), Code
 2 1975, is amended to read as follows:

3 **613.11 Actions against highway commission department of**
 4 **transportation.** The state of Iowa hereby waives immunity from suit
 5 and consents to the jurisdiction of any court in which an action is
 6 brought against the ~~Iowa state highway commission department of~~
 7 *transportation* respecting any claim, right, or controversy arising out
 8 of the work performed, or by virtue of the provisions of any construc-
 9 tion contract entered into by the ~~Iowa state highway commission de-~~
 10 *partment*. Such action shall be heard and determined pursuant to rules
 11 otherwise applicable to civil actions brought in that particular court
 12 having jurisdiction of the suit and the parties to the suit shall have the
 13 right of appeal from any judgment, decree, or decision of the trial
 14 court to the appropriate appellate court under applicable rules of ap-
 15 peal.

1 SEC. 55. Section six hundred thirty-three point sixty-three (633.63),
 2 Code 1975, is amended by striking subsection two (2) and inserting in
 3 lieu thereof the following:

4 2. Banks and trust companies organized under the laws of the
 5 United States or state banks, when approved by the superintendent of
 6 banking under section five hundred twenty-four point one thousand
 7 one (524.1001) of the Code, are authorized to act in a fiduciary capaci-
 8 ty in Iowa.

1 SEC. 56. Section seven hundred fifty-three point fifteen (753.15),
 2 subsection twelve (12), Code 1975, is amended to read as follows:
 3 12. Violation of display of identification required by section 326.22
 4 and violation of trip permits as prescribed by sections ~~326.22~~ three
 5 hundred twenty-six point twenty-three (326.23) of the Code and
 6 326.24, ten dollars.

1 SEC. 57. Section seven hundred sixty-two point twenty-two (762.22),
 2 Code 1975, is repealed.

1 SEC. 58. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand ninety (1090), section one hundred ninety-four
 3 (194), is amended to read as follows:

4 Sec. 194. Section five hundred thirty-six A point eleven (536A.11),
 5 unnumbered paragraph three (3), Code 1973, is amended by striking
 6 the section paragraph and inserting in lieu thereof the following:

7 Judicial review of actions of the auditor may be sought in accord-
 8 ance with the terms of the Iowa Administrative Procedure Act.

1 SEC. 59. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand one hundred eighty (1180), section one hundred
 3 ten (110), is amended by striking from lines nineteen (19) and twenty
 4 (20) the words and figures "three hundred twenty-one point two
 5 hundred fifteen (321.215)".

1 SEC. 60. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand one hundred eighty (1180), sections one hundred
 3 thirty-three (133), one hundred forty (140), one hundred forty-seven
 4 (147), and one hundred fifty-six (156), are amended to read as follows:

5 Sec. 133. Section three hundred twenty-two A point one (322A.1),
 6 subsection ~~eight (8)~~ seven (7), Code 1973, is amended by striking the
 7 subsection and inserting in lieu thereof the following:

8 8-7. "Board" means the transportation regulation board of the state
 9 department of transportation.

10 Sec. 140. Section three hundred twenty-six point ~~one (326.1)~~ two
 11 (326.2), subsections one (1) and two (2), Code 1973, are amended by
 12 striking such subsections and inserting in lieu thereof the following:

13 1. "Department" means the state department of transportation.

14 2. "Director" means the director of transportation or his designee.

15 Sec. 147. Sections three hundred twenty-six point thirteen (326.13),
 16 three hundred twenty-six point nineteen (326.19), three hundred twenty-
 17 six point twenty-eight (326.28), three hundred twenty-six point thirty-
 18 six (326.36), and three hundred twenty-six point thirty-seven (326.37),
 19 and ~~three hundred twenty-six point thirty eight (326.38)~~, Code 1973,
 20 are amended by striking from such sections the words "executive secre-
 21 tary" and inserting in lieu thereof the word "director".

22 Sec. 156. Sections three hundred twenty-seven B point one
 23 (327B.1), and three hundred twenty-seven B point two (327B.2), ~~three~~
 24 ~~hundred twenty-seven B point three (327B.3)~~, and ~~three hundred~~
 25 ~~twenty-seven B point four (327B.4)~~, Code 1973, are amended by
 26 striking from such sections the words "commission" and "Iowa state
 27 commerce commission" and inserting in lieu thereof the words "state
 28 department of transportation".

1 SEC. 61. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand one hundred eighty (1180), section one hundred
 3 fifty-nine (159), is amended by striking from lines fourteen (14) and
 4 fifteen (15) the words and figures "three hundred twenty-eight point
 5 forty-one (328.41)".

1 SEC. 62. Senate File two hundred ninety-six (296)* of the Sixty-
2 sixth General Assembly, 1975 Session, is amended by striking sections
3 thirteen (13) and thirty (30).

1 SEC. 63. Section forty-nine point eighty-one (49.81), subsection one
2 (1), Code 1975, as amended by the Sixty-sixth General Assembly, 1975
3 Session, House File seven hundred (700), section eighty (80), is amend-
4 ed to read as follows:

5 1. A prospective voter who is prohibited under section forty-nine
6 point eighty (49.80) of the Code from voting except under this section
7 shall be permitted to cast a paper ballot; ~~in~~. *If a booth meeting the re-*
8 *quirement of section forty-nine point twenty-five (49.25) of the Code is*
9 *not available at that polling place, the precinct election officials*
10 *shall make alternative arrangements to insure the challenged voter*
11 *the opportunity to vote in secret.* The marked ballot, folded as re-
12 quired by section forty-nine point eighty-four (49.84) of the Code, shall
13 be delivered to a precinct election official who shall immediately seal
14 it in an unmarked envelope which shall be placed in an affidavit envel-
15 ope of the type prescribed by section fifty-three point thirteen (53.13)
16 of the Code. The voter shall not be required to execute the oath con-
17 tained in the affidavit. Space shall be left on the affidavit envelope
18 for the precinct election official to indicate the name of the challenged
19 elector and the reason for the challenge. The sealed affidavit envelope
20 shall be deposited as required by section forty-nine point eighty-five
21 (49.85) of the Code in a special container marked "challenged ballots"
22 and shall be considered as having been cast in the special precinct es-
23 tablished by section one hundred eighteen (118) of this Act for purposes
24 of the post-election canvass.

1 SEC. 64. Section fifty-three point twenty-two (53.22), subsection one
2 (1), Code 1975, as amended by section one hundred nineteen (119) of
3 House File seven hundred (700) of the Sixty-sixth General Assembly,
4 1975 Session, is amended to read as follows:

5 1. A qualified elector who has applied for an absentee ballot, in a
6 manner other than that prescribed by section fifty-three point eleven
7 (53.11) of the Code, and who is a resident or patient in a health care
8 facility or hospital located in the county to which the application has
9 been submitted shall be delivered the appropriate absentee ballot by
10 two special precinct election officers, one of whom shall be a member
11 of each of the political parties referred to in section forty-nine point
12 thirteen (49.13) of the Code, who shall be appointed by the com-
13 missioner from the election board panel for the special precinct
14 established by section one hundred three (103) of this Act. The special
15 precinct election officers shall be sworn in the manner provided by
16 section forty-nine point seventy-five (49.75) of the Code for election
17 board members, shall receive compensation as provided in section
18 forty-nine point twenty (49.20) of the Code, and shall perform their
19 duties during the ten calendar days preceding the election and on
20 election day if all ballots requested under section fifty-three point
21 eight (53.8), subsection three (3), of the Code have not previously been
22 delivered and returned. If a person who so requested an absentee ballot
23 has been dismissed from the health care facility or hospital, the special
24 precinct election officers may take the ballot to the elector if he or she
25 is currently residing in the county. The special precinct election
26 officers shall both notarize each ~~absentee ballot delivered by them~~

*This Act was vetoed by the governor

27 *absent voters affidavit* as required by ~~this chapter~~ *section fifty-three*
 28 *point sixteen (53.16) of the Code*; any such officer who is not a notary
 29 public shall be provided with a stamp containing that person's name
 30 and the words "special precinct election officer" and may notarize the
 31 absentee ~~ballots~~ *affidavits* so delivered by signing them and applying
 32 the stamp. The special precinct election officers shall travel together in
 33 the same vehicle and both shall be present when an applicant casts his
 34 or her absentee ballot. If either or both of the special election officers
 35 fails to appear at the time the duties set forth in this section are to be
 36 performed, the commissioner shall at once appoint some other person,
 37 giving preference to persons designated by the respective county
 38 chairpersons of the political parties described in section forty-nine
 39 point thirteen (49.13) of the Code, to carry out the requirements of this
 40 section. The persons authorized by this subsection to deliver an
 41 absentee ballot to an applicant may assist the applicant in filling out
 42 the ballot as permitted by section forty-nine point ninety (49.90) of the
 43 Code. The voted absentee ballots shall be deposited in a sealed
 44 container which shall be returned to the commissioner on the same
 45 day.

1 SEC. 65. Sections one hundred twenty-seven point twelve (127.12);
 2 one hundred thirty-five D point twenty-nine (135D.29); three hundred
 3 twenty-one point one (321.1), subsection twenty-six (26); three hundred
 4 twenty-one point thirty-four (321.34); three hundred twenty-one point
 5 two hundred thirty-six (321.236); three hundred twenty-one point two
 6 hundred thirty-eight (321.238), subsection twenty (20); three hundred
 7 twenty-one point four hundred forty-seven (321.447); three hundred
 8 twenty-one point five hundred fifty-six (321.556); three hundred
 9 twenty-one point five hundred fifty-seven (321.557); three hundred
 10 twenty-one E point ten (321E.10); three hundred twenty-one G point
 11 twelve (321G.12); three hundred twenty-one G point nineteen
 12 (321G.19); three hundred twenty-one G point twenty-three (321G.23);
 13 three hundred twenty-one G point twenty-four (321G.24); six hundred
 14 one E point one (601E.1), subparagraph two (2); and six hundred one
 15 E point three (601E.3), Code 1975, are amended by striking from such
 16 sections the words "commissioner", "commissioner of public safety",
 17 "safety commissioner" and "department of public safety" and inserting
 18 in lieu thereof the words "director" or "director of transportation".

1 SEC. 66. Sections three hundred twenty-one point thirty-four
 2 (321.34); three hundred twenty-one point ninety (321.90), subsection
 3 three (3); three hundred twenty-one point five hundred fifty-six
 4 (321.556) and three hundred twenty-one point five hundred fifty-nine
 5 (321.559) are amended by striking from such sections the words "state
 6 department of public safety" and "department of public safety" and
 7 inserting in lieu thereof the word "department".

1 SEC. 67. The code editor is authorized to strike all references in the
 2 Code 1975 to "mills" in relation to taxes and to insert in lieu thereof a
 3 rate for each mill equivalent to twenty-seven cents per thousand dol-
 4 lars of assessed valuation.

1 SEC. 68. The code editor is authorized to strike all references in the
 2 Code 1975 to "judges of elections" or "clerks of elections" and to insert
 3 in lieu thereof the term "precinct election officials".

1 SEC. 69. The code editor is authorized to strike all references in the
 2 Code 1975 to "highway commission" and to insert in lieu thereof the
 3 words "state department of transportation".

1 SEC. 70. The code editor is authorized to strike all references in the
2 Code 1975 to "departmental rules" and to insert in lieu thereof the
3 words "administrative rules".

1 SEC. 71. The code editor is authorized to strike all references in the
2 Code 1975 to "county homes" and to insert in lieu thereof the words
3 "county care facilities".

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 68

SIGNATURES OF HANDICAPPED PERSONS

H. F. 76

AN ACT relating to the signature of persons with physical disabilities and providing penalties.

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

1 SECTION 1. Section four point one (4.1), subsection seventeen (17),
2 Code 1975, is amended to read as follows:

3 **17. Written—in writing—signature.** The words "written" and
4 "in writing" may include any mode of representing words ~~and~~ or let-
5 ters in general use, ~~except that signatures.~~ A signature when required
6 by law, must be made by the writing or ~~mark~~ markings of the person
7 whose signature is required.

8 *If a person is unable due to a physical handicap to make a writ-*
9 *ten signature or mark, that person may substitute the following in*
10 *lieu of a signature required by law:*

11 *a. His or her name written by another upon the request and in*
12 *the presence of the handicapped person; or,*

13 *b. A rubber stamp reproduction of the handicapped person's*
14 *name or facsimile of the actual signature when adopted by the*
15 *handicapped person for all purposes requiring a signature and then*
16 *only when affixed by that person or another upon request and in*
17 *the handicapped person's presence.*

1 SEC. 2. Chapter seven hundred eighteen (718), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Unauthorized use of rubber stamp.** Any person
4 who without authorization uses a rubber stamp reproduction of a hand-
5 icked person's name or facsimile of the actual signature as provided
6 in section one (1) of this Act with the intent to defraud another person
7 shall upon conviction be guilty to the same extent as if the person had
8 forged another person's signature.

Approved June 3, 1975

CHAPTER 69

REVERSION OF APPROPRIATION

H. F. 521

AN ACT relating to the time of incurring obligations for and reversion of funds contained in legislation appropriating funds.

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

1 SECTION 1. Section eight point thirty-three (8.33), Code 1975, is
2 amended to read as follows:

3 **8.33 Limit of expenditures—reversion.** No obligation of any
4 kind whatsoever shall be incurred or created subsequent to the last day
5 of the ~~biennial~~ fiscal term for which an appropriation for ~~administra-~~
6 ~~tion, operation, support, and maintenance~~ is made against any said
7 ~~appropriation~~, except when specific provision otherwise is made in the
8 Act making the appropriation. On the last day of the ~~biennial~~ fiscal
9 term it shall be the duty of the head of each department, board, or
10 commission, or officer receiving ~~appropriations for administration, op-~~
11 ~~eration, support, and maintenance~~ *the appropriation* under any Act,
12 to file with the state comptroller a list of all obligations incurred, and
13 for which warrants have not been drawn, up to and including that
14 date. On September 30, *or as otherwise provided in an appropriation*
15 *Act*, following the close of each ~~biennial~~ fiscal term all unencumbered
16 or unobligated balances of appropriations made for said ~~biennial~~ fiscal
17 term shall revert to the state treasury and to the credit of the fund
18 from which the appropriation or appropriations were made, except that
19 capital expenditures for the purchase of land or the erection of the
20 buildings or new construction shall continue in force until the attain-
21 ment of the object or the completion of the work for which such appro-
22 priations are made *unless the Act making the appropriation for the*
23 *capital expenditure contains a specific provision relating to a time*
24 *limit for incurring an obligation or reversion of funds.* This section
25 shall not be construed to repeal the provisions of sections 19.11 to
26 19.14.

Approved May 2, 1975

CHAPTER 70

AUDITOR OF STATE APPROPRIATION

S. F. 134

AN ACT to repeal authorization for the standing appropriation of funds to the auditor of state to audit the department of transportation.

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

1 SECTION 1. Section eleven point three (11.3), Code 1975, is repealed.

Approved March 18, 1975

CHAPTER 71

PROSECUTING ATTORNEYS TRAINING

H. F. 766

AN ACT to establish an office of prosecuting attorneys training coordinator and to prescribe the functions and duties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act unless
2 the context otherwise requires:

3 1. "Council" means the prosecuting attorneys training coordinator
4 council.

5 2. "Executive director" means the executive director of the council.

6 3. "Office" means the office of prosecuting attorneys training coordi-
7 nator established in this Act.

8 4. "Prosecuting attorneys" means county attorney, district attorney,
9 or any attorney charged with responsibility of prosecution of violation
10 of state laws.

1 SEC. 2. NEW SECTION. **Establishment.**

2 1. The office of prosecuting attorneys training coordinator is estab-
3 lished as an autonomous entity in the department of justice.

4 2. The head of the office is the prosecuting attorneys training coor-
5 dinator council.

6 3. The chief administrative officer of the office is the executive di-
7 rector who shall be a regular employee of the department of justice
8 and appointed by the council. He shall hold office at the pleasure of
9 the council. He shall perform the functions and duties assigned to him
10 by the council. The council may employ other persons as it deems nec-
11 essary to implement this Act.

1 SEC. 3. NEW SECTION. **Membership and terms.** The council
2 shall consist of five members as follows:

3 1. The attorney general or his designated representative.

4 2. The president of the Iowa county attorneys association or its suc-
5 cessor.

6 3. Three members elected by the Iowa county attorneys association
7 or its successor.

8 A member shall vacate his appointment upon termination of his offi-
9 cial position as a prosecuting attorney or an attorney general. A vacan-
10 cy shall be filled in the same manner as the original appointment. A
11 member appointed to fill a vacancy created other than by expiration of
12 a term on the council shall be appointed for the unexpired term of the
13 member whom he is to succeed in the same manner as the original ap-
14 pointment. Any member may be reappointed for an additional term.

15 The terms of the elected members shall be three years and shall be-
16 gin January 1, following the effective date of this Act, but initial terms
17 shall be staggered so that the elected members shall serve terms of one,
18 two, and three years respectively.

1 SEC. 4. NEW SECTION. **Organization.** The council shall designate
2 from among its members a chairman and vice chairman who shall serve
3 for one-year terms and who may be reelected. Membership on the
4 council shall not constitute holding a public office, and members of the
5 council shall not be required to take and file oaths of office before serv-
6 ing on the council. A member of the council shall not be disqualified
7 from holding any public office or employment by reason of member-
8 ship on the council, nor shall one member forfeit the office or employ-

9 ment, by reason of appointment under this Act, notwithstanding the
10 provisions of any law, ordinance or city charter.

1 SEC. 5. NEW SECTION. **Meetings.** The council shall meet at least
2 four times each year and shall hold meetings when called by the chair-
3 man, or in the absence of the chairman, by the vice chairman or when
4 called by the chairman upon the written request of three members of
5 the council. The council shall establish its own procedures and require-
6 ments with respect to quorum, place and conduct of its meetings and
7 other matters.

1 SEC. 6. NEW SECTION. **Report required.** The council shall make
2 an annual report to the governor and to the Iowa county attorneys as-
3 sociation or its successor regarding its efforts to implement the purpos-
4 es of this Act.

1 SEC. 7. NEW SECTION. **Expenses paid.** The members of the coun-
2 cil shall serve without compensation but shall be entitled to their ac-
3 tual expenses in attending meetings and in the performance of their
4 duties.

1 SEC. 8. NEW SECTION. **Duties.** The council shall keep the prose-
2 cuting attorneys and assistant prosecuting attorneys of the state in-
3 formed of all changes in law and matters pertaining to their office to
4 the end that a uniform system of conduct, duty and procedure is estab-
5 lished in each county of the state.

1 SEC. 9. NEW SECTION. **Authority.** The council may:
2 1. Enter into agreements with other public or private agencies or or-
3 ganizations to implement this Act.
4 2. Cooperate with and assist other public or private agencies or or-
5 ganizations to implement this Act.
6 3. Make recommendations to the general assembly on matters per-
7 taining to its responsibilities under this Act.

1 SEC. 10. NEW SECTION. **Receipt of funds.** The council may ac-
2 cept funds, grants and gifts from any public or private source which
3 shall be used to defray the expenses incident to implementing its re-
4 sponsibilities under this Act.

1 SEC. 11. This Act shall be known and may be cited as the "Prose-
2 cuting Attorneys Training Coordinator Act of 1975".

Approved June 29, 1975

CHAPTER 72

IOWA ADMINISTRATIVE CODE

S. F. 351

AN ACT relating to the time for publishing the Iowa Administrative Code.

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

1 SECTION 1. Sections fourteen point six (14.6), seventeen point twen-
2 ty-one (17.21), seventeen point twenty-two (17.22), seventeen point
3 twenty-seven (17.27), and seventeen A point six (17A.6), eighteen point

4 ninety-seven (18.97), as appearing in the Code 1975, shall be in effect
5 on 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 Pella
3 Chronicle, a newspaper published in Pella, Iowa, and in the Carroll
4 Daily Times Herald, a newspaper published in Carroll, Iowa.

Approved April 22, 1975

I hereby certify that the foregoing Act, Senate File 351, was published in the Pella Chronicle, Pella, Iowa, April 30, 1975, and in the Carroll Daily Times Herald, Carroll, Iowa, April 25, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 73

SALARY BOOK

S. F. 165

AN ACT relating to the report commonly known as the state salary book.

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

1 SECTION 1. Section eighteen point seventy-five (18.75), subsection
2 nine (9), Code 1975, is amended to read as follows:

3 9. Annually, September 1 *first*, cause to be printed a report in pam-
4 phlet form, to be paid for out of the general fund not otherwise appro-
5 priated, and ~~gratuitously~~ distributed upon request, the name,
6 residence, official title, salary *received during the previous fiscal*
7 *year, the base salary as computed on July first of the current fiscal*
8 *year, and traveling and subsistence expense of the personnel of each of*
9 *the departments, boards, and commissions of the state government, ex-*
10 *cept personnel who receive an annual salary of less than three hundred*
11 *dollars. The number of the personnel and the total amount received by*
12 *them shall be shown for each department in the salary book. The head*
13 *of each department, board, or commission shall, on request of the su-*
14 *perintendent, furnish the latter with the data covering the particular*
15 *department, board, or commission. The report shall be ~~mailed~~ distrib-*
16 *uted upon request without charge to each member of the general as-*
17 *sembly within ten days after printing, elected state officers, and*
18 *department heads. Any other person who wants a report may pur-*
19 *chase a copy for five dollars per copy. All funds from the sale of the*
20 *report shall be deposited to the general fund. All employees who have*
21 *drawn salaries, fees, or expense allowances from more than one depart-*
22 *ment or subdivision shall be listed separately under the proper depart-*
23 *mental heading.*

Approved April 16, 1975

CHAPTER 74

STATE MOTOR VEHICLES

H. F. 814

AN ACT relating to the purchase and use of state motor vehicles and use of private motor vehicles for state business.

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

1 SECTION 1. Section eighteen point one hundred fifteen (18.115), sub-
2 section four (4), Code 1975, is amended to read as follows:

3 4. The state vehicle dispatcher shall purchase all new motor vehicles
 4 for all branches of the state government, except the state ~~highway com-~~
 5 ~~mission~~ *department of transportation*, institutions under the control
 6 of the state board of regents, the commission for the blind, and any
 7 other agencies exempted by law. Before purchasing any motor vehicle
 8 he shall make requests for public bids by advertisement and he shall
 9 purchase the vehicles from the lowest responsible bidder for the type
 10 and make of motor vehicle designated *at a purchase price approved*
 11 *by the executive council*. No passenger motor vehicle except the motor
 12 vehicle provided by the state for the use of the governor, ambulances,
 13 buses, trucks, or station wagons shall be purchased for an amount in
 14 excess of the sum of three thousand three hundred dollars; provided
 15 that if the passenger motor vehicle is to be used by the highway patrol
 16 or the drug law enforcement division or the division of criminal inves-
 17 tigation and bureau of identification for actual law enforcement, the
 18 maximum amount shall be four thousand one hundred dollars. Provid-
 19 ed further, that for station wagons the maximum amount shall be four
 20 thousand one hundred dollars.

1 SEC. 2. Section eighteen point one hundred seventeen (18.117), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 No state officer or employee shall use any state-owned motor vehicle
 5 for his own personal private use, nor shall he be compensated for driv-
 6 ing his own motor vehicle except if such is done on state business with
 7 the approval of the state vehicle dispatcher, and in such case he shall
 8 receive fifteen cents per mile. A statutory provision stipulating neces-
 9 sary, mileage, travel, or actual expenses reimbursement to a state offi-
 10 cer shall be construed to fall under this fifteen cents limitation unless
 11 specifically provided otherwise. Any peace officer as defined in section
 12 748.3 who is required to use his private vehicle in the performance of
 13 his official duties shall receive reimbursement for mileage expense at
 14 the rate of fifteen cents per mile. However, the state vehicle dispatcher
 15 may delegate authority to officials of the state, and department heads,
 16 for the use of private vehicles on state business up to ~~six thousand~~
 17 ~~miles per year~~ *a yearly mileage figure established by the director of*
 18 *general services and approved by the executive council*. When a state
 19 motor vehicle has been assigned to a state officer or employee he shall
 20 not collect mileage for the use of his personal vehicle unless the state
 21 vehicle assigned to him is not usable.

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 Wood-
 3 bine Twiner, a newspaper published in Woodbine, Iowa, and in The
 4 Washington Evening Journal, a newspaper published in Washington,
 5 Iowa.

Approved June 29, 1975

I hereby certify that the foregoing Act, House File 814, was published in The Woodbine Twiner, Woodbine, Iowa, July 10, 1975, and in The Washington Evening Journal, Washington, Iowa, July 9, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 75

COURT COSTS AND EXPENSES

S. F. 114

AN ACT relating to payment by the executive council of court related costs and expenses.

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

1 SECTION 1. Section nineteen point ten (19.10), Code 1975, is amend-
2 ed to read as follows:

3 **19.10 Court costs.** The executive council may pay, out of any
4 money in the state treasury not otherwise appropriated, ~~any expense~~
5 *expenses* incurred, or costs taxed to the state, in any proceeding
6 brought by or against any of the state departments or in which the
7 state is a party or is interested. *This section shall not be construed to*
8 *authorize the payment of travel or other personal expenses of state*
9 *officers or employees.*

Approved May 12, 1975

CHAPTER 76

DATES OF WARS AND CONFLICTS

H. F. 411

AN ACT relating to the dates of World War II, the Korean Conflict, and the Vietnam Conflict.

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

1 SECTION 1. Section nineteen point sixteen (19.16), Code 1975, is
2 amended to read as follows:

3 **19.16 Veteran's newsstand.** The executive council shall, on the
4 application of any disabled, honorably discharged soldier, sailor, ma-
5 rine, or woman who served in the military or naval forces of the United
6 States in the late Civil war, Spanish-American war, Philippine
7 insurrection, China relief expedition, World War I, World War II from
8 December 7, 1941, to ~~September 2, 1945~~ *December 31, 1946*, both dates
9 inclusive, or the Korean conflict at any time between June ~~27~~ *25*, 1950,
10 and ~~July 27, 1953~~ *January 31, 1955*, both dates inclusive, or the Viet-
11 nam Conflict at any time between August 5, 1964, and ending on the
12 date the armed forces of the United States are directed by formal order
13 of the government of the United States to cease hostilities, both dates
14 inclusive, cause to be reserved in the state capitol a reasonable amount
15 of space in the lobby of said state capitol to be used by such applicant
16 rent-free as a stand for the sale of news, tobaccos, and candies and may
17 in such application permit installation of merchandise vending ma-
18 chines. Should there be more than one applicant for such reserved
19 space, the executive council shall award the same to the person in its
20 opinion most deserving of the same. The executive council shall pre-
21 scribe the regulations by which the stand shall be operated.

1 SEC. 2. Section thirty-five point nine (35.9), unnumbered paragraph
2 one (1), Code 1975, is amended to read as follows:

3 Said bonus board is authorized to expend not to exceed four hundred
4 dollars per year for any one child who shall have lived in the state of
5 Iowa for two years preceding application for aid hereunder, and who is

6 the child of a man or woman who died during World War I between
 7 the dates of April 6, 1917, and June 2, 1921, or during World War II
 8 between the dates of September 16, 1940, and ~~September 2, 1945~~
 9 ~~December 31, 1946~~, both dates inclusive, or the Korean Conflict at any
 10 time between June 27 25, 1950, and ~~July 27, 1953~~ *January 31, 1955*,
 11 both dates inclusive, or the Vietnam Conflict at any time between Au-
 12 gust 5, 1964, and ending on the date the armed forces of the United
 13 States are directed by formal order of the government of the United
 14 States to cease hostilities, both dates inclusive, while serving in the
 15 military or naval forces of the United States, to include members of
 16 the reserve components performing service or duties required or autho-
 17 rized under chapter 39, United States Code and Title 32, United States
 18 Code, sections 502 through 505, and active state service required or au-
 19 thorized under chapter 29A, or as a result of such service, to defray the
 20 expenses of tuition, matriculation, laboratory and similar fees, books
 21 and supplies, board, lodging, and any other reasonably necessary ex-
 22 pense for such child or children incident to attendance at any educa-
 23 tional or training institution of college grade, or in any business or
 24 vocational training school of standards approved by said bonus board,
 25 said educational institutions to be located within the state of Iowa.

1 SEC. 3. Section seventy point one (70.1), Code 1975, is amended to
 2 read as follows:

3 **70.1 Appointments and promotions.** In every public department
 4 and upon all public works in the state, and of the counties, cities, and
 5 school corporations thereof, honorably discharged men and women
 6 from the military or naval forces of the United States in any war in
 7 which the United States was or is now engaged, including the Philip-
 8 pine Insurrection, China Relief Expedition, and the Korean Conflict
 9 at any time between June 27 25, 1950 and ~~July 27, 1953~~ *January 31,*
 10 *1955*, both dates inclusive, and the Vietnam Conflict beginning August
 11 5, 1964, and ending on the date the armed forces of the United States
 12 are directed by formal order of the government of the United States to
 13 cease hostilities, both dates inclusive, who are citizens and residents of
 14 this state shall be entitled to preference in appointment, employment,
 15 and promotion over other applicants of no greater qualifications. For
 16 the purposes of this section World War II shall mean service in the
 17 armed forces of the United States between December 7, 1941, and
 18 ~~September 2, 1945~~ *December 31, 1946*, both dates inclusive.

1 SEC. 4. Section two hundred fifty point one (250.1), Code 1975, is
 2 amended to read as follows:

3 **250.1 Tax.** A tax not exceeding twenty-seven cents per thousand
 4 dollars of assessed value may be levied by the board of supervisors
 5 upon all taxable property within the county, to be collected at the
 6 same time and in the same manner as other taxes, to create a veteran
 7 affairs fund for the relief of, and to pay the funeral expenses of hono-
 8 rably discharged, indigent men and women of the United States who
 9 served in the military or naval forces of the United States in any war
 10 including the Korean Conflict at any time between June 27 25, 1950,
 11 and ~~July 27, 1953~~ *January 31, 1955*, both dates inclusive, and includ-
 12 ing the Vietnam Conflict at any time between August 5, 1964, and end-
 13 ing on the date the armed forces of the United States are directed by
 14 formal order of the government of the United States to cease hostili-
 15 ties, both dates inclusive, and their indigent wives, widows and minor
 16 children not over eighteen years of age, having a legal residence in the
 17 county.

1 SEC. 5. Section two hundred fifty point three (250.3), Code 1975, is
2 amended to read as follows:

3 **250.3 Commission of veteran affairs.** The commission of veter-
4 an affairs shall consist of three persons, all of whom shall be honorably
5 discharged men or women of the United States who served in the mili-
6 tary or naval forces of the United States in any war, including the Ko-
7 rean Conflict at any time between June ~~27~~ 25, 1950, and ~~July 27, 1953~~
8 *January 31, 1955*, both dates inclusive, and including the Vietnam
9 Conflict at any time between August 5, 1964, and ending on the date
10 the armed forces of the United States are directed by formal order of
11 the government of the United States to cease hostilities, both dates in-
12 clusive. Said membership shall at all times, as near as possible, be
13 equally divided among the men and women who served in the Spanish
14 American War, World War I and World War II.

1 SEC. 6. Section two hundred fifty point thirteen (250.13), Code
2 1975, is amended to read as follows:

3 **250.13 Burial—expenses.** The board shall designate some suit-
4 able person in each township to cause to be decently interred in a suit-
5 able cemetery and not in any cemetery or part thereof used exclusively
6 for the burial of the pauper dead, the body of any honorably dis-
7 charged man or woman of the United States, who served in the mili-
8 tary or naval forces of the United States during any war, including the
9 Korean Conflict at any time between June ~~27~~ 25, 1950, and ~~July 27,~~
10 ~~1953~~ *January 31, 1955*, both dates inclusive, and including the Viet-
11 nam Conflict at any time between August 5, 1964, and ending on the
12 date the armed forces of the United States are directed by formal order
13 of the government of the United States to cease hostilities, both dates
14 inclusive, or the spouse, surviving spouse, or child of such person, if
15 any such person has died without leaving sufficient means to defray
16 the funeral expenses. The commission shall pay such expenses in a sum
17 not exceeding two hundred *fifty* dollars in any case.

1 SEC. 7. Section two hundred fifty point sixteen (250.16), Code 1975,
2 is amended to read as follows:

3 **250.16 Markers for graves.** The commission of veteran affairs in
4 any county shall, upon the petition of five reputable freeholders of
5 any township or municipality in their county, procure for and furnish
6 to said petitioners some suitable and appropriate metal marker, at a
7 cost not exceeding ~~three and one-half~~ *ten* dollars each, for the grave of
8 each honorably discharged man or woman of the United States, who
9 served in the military or naval forces of the United States during any
10 war, including the Korean Conflict at any time between June ~~27~~ 25,
11 1950, and ~~July 27, 1953~~ *January 31, 1955*, both dates inclusive, and in-
12 cluding the Vietnam Conflict at any time between August 5, 1964, and
13 ending on the date the armed forces of the United States are directed
14 by formal order of the government of the United States to cease hostil-
15 ities, both dates inclusive, who is buried within the limits of said town-
16 ship or municipality, to be placed at his grave to permanently mark
17 and designate said grave for memorial purposes. The expenses thereof
18 shall be paid from any funds raised as provided in this chapter.

1 SEC. 8. Section two hundred fifty point twenty-one (250.21), Code
2 1975, is amended to read as follows:

3 **250.21 World War II dates.** For the purposes of this chapter,
4 World War II shall be from December 7, 1941, to ~~September 2, 1945~~ *De-*
5 *cember 31, 1946*, both dates inclusive.

1 SEC. 9. Section three hundred thirty-two point five (332.5), Code
 2 1975, is amended to read as follows:
 3 **332.5 Veteran's newsstands.** The board of supervisors of any
 4 county shall, on the application of any honorably discharged soldier,
 5 sailor, marine, or nurse of the army or navy of the United States in the
 6 late Civil War, Spanish-American War, Philippine insurrection, China
 7 relief expedition, World War I, World War II, from December 7, 1941,
 8 to ~~September 2, 1945~~ *December 31, 1946*, both dates inclusive, includ-
 9 ing the Korean Conflict at any time between June ~~27 25,~~ 1950, and ~~July~~
 10 ~~27, 1953~~ *January 31, 1955*, both dates inclusive, and including the
 11 Vietnam Conflict at any time between August 5, 1964, and ending on
 12 the date the armed forces of the United States are directed by formal
 13 order of the government of the United States to cease hostilities, both
 14 dates inclusive, who was disabled in said war, cause to be reserved in
 15 the courthouse of the county a reasonable amount of space in the lob-
 16 by of said courthouse to be used by such applicant rent-free as a stand
 17 for the sale of news, tobaccos, and candies. Should there be more than
 18 one applicant for such reserved space, the board of supervisors shall
 19 award the same to the person in their opinion most deserving of the
 20 same. The supervisors shall prescribe the regulations by which the
 21 stands shall be operated.

1 SEC. 10. Section three hundred thirty-five point four (335.4), un-
 2 numbered paragraph two (2), Code 1975, is amended to read as fol-
 3 lows:
 4 This section shall apply to any man or woman entitled thereto who
 5 served at any time in any of the armed branches of the United States
 6 of America, including members of the merchant marine in time of war,
 7 and including the Korean Conflict at any time between June ~~27 25,~~
 8 1950, and ~~July 27, 1953~~ *January 31, 1955*, both dates inclusive, and
 9 the Vietnam Conflict ~~beginning at any time between~~ August 5, 1964,
 10 and ending on the date the armed forces of the United States are di-
 11 rected by formal order of the government of the United States to cease
 12 hostilities, both dates inclusive, members of the armed forces of any
 13 country allied with the United States of America, and of the armed
 14 forces of Iowa, the various states and territories.

1 SEC. 11. Section four hundred point ten (400.10), Code 1975, is
 2 amended to read as follows:
 3 **400.10 Preferences.** In all examinations and appointments under
 4 the provisions of this chapter, other than promotions and appoint-
 5 ments of chief of the police department and chief of the fire depart-
 6 ment, honorably discharged men and women from the military or
 7 naval forces of the United States in any war in which the United
 8 States was or is now engaged, including the Philippine Insurrection,
 9 China Relief Expedition and the Korean Conflict at any time between
 10 June ~~27 25,~~ 1950 and ~~July 27, 1953~~ *January 31, 1955*, both dates inclu-
 11 sive, and the Vietnam Conflict beginning August 5, 1964, *and ending*
 12 *on the date the armed forces of the United States are directed by*
 13 *formal order of the government of the United States to cease hostili-*
 14 *ties, both dates inclusive, and who are citizens and residents of this*
 15 *state, shall be given the preference, if otherwise qualified.*
 16 For the purposes of this section World War II shall be from Decem-
 17 ber 7, 1941, to ~~September 2, 1945~~ *December 31, 1946*, both dates inclu-
 18 sive.

1 SEC. 12. Section four hundred ten point seven (410.7), Code 1975, is
 2 amended to read as follows:

3 **410.7 Soldiers and sailors.** Any member of the fire or police de-
 4 partment, who resigned or obtained leave of absence therefrom to serve
 5 in the United States air force or air force reserve, army, navy or ma-
 6 rine reserve, or marine corps, of the United States, or as a member of
 7 the United States army and navy reserve, the Spanish-American war,
 8 in the World War 1917-1918, or in World War II from December 7,
 9 1941, to ~~September 2, 1945~~ *December 31, 1946*, both dates inclusive, or
 10 in the Korean Conflict at any time between June ~~27~~ *25*, 1950, and ~~July~~
 11 ~~27, 1953~~ *January 31, 1955*, both dates inclusive, or in the Vietnam
 12 Conflict at any time between August 5, 1964, and ending on the date
 13 the armed forces of the United States are directed by formal order of
 14 the government of the United States to cease hostilities, both dates in-
 15 clusive, and has returned with an honorable discharge from such ser-
 16 vice, to the fire or police department, shall have the period of such
 17 service included as part of his period of service in the department.

Approved June 6, 1975

CHAPTER 77

MERIT SYSTEM EXEMPTIONS

H. F. 335

AN ACT relating to exemptions from the state merit system.

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

1 SECTION 1. Section nineteen A point three (19A.3), subsections two
 2 (2), and fourteen (14), Code 1975, are amended to read as follows:

3 2. All board members and commissions whose appointments are oth-
 4 erwise provided for by the statutes of the state of Iowa, and one ste-
 5 nographer or secretary for each *full-time* member of each board and
 6 commission, and one principal assistant or deputy in each department.

7 14. All appointments *other than boards or commissions* which are
 8 by law made by the governor or executive council; one stenographer or
 9 secretary for each; one principal assistant or deputy for each; and all
 10 administrative assistants or deputies employed by the director of the
 11 Iowa development commission.

1 SEC. 2. Section nineteen A point three (19A.3), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. The chief administrative officer of each board or
 4 commission who is appointed by the board or commission and one ste-
 5 nographer or secretary for the chief administrative officer.

Approved June 3, 1975

CHAPTER 78

MERIT SYSTEM EMERGENCY EXEMPTIONS

H. F. 348

AN ACT relating to exemptions of temporary employees subject to a federally funded emergency employment utilization program from the state merit system and providing penalties.

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

1 SECTION 1. Notwithstanding the provisions of chapter nineteen A
2 (19A) of the Code, a person employed under a temporary, emergency
3 employment utilization program funded by the federal government
4 which program does not exceed one year and which program is not sub-
5 ject to merit system standards by federal law, shall be exempt from
6 chapter nineteen A (19A) of the Code except as provided by this Act.

1 SEC. 2. The provisions of section nineteen A point eighteen
2 (19A.18) of the Code relating to political activity and the civil penal-
3 ties contained in such section shall apply to this Act. Section nineteen
4 A point nineteen (19A.19) of the Code relating to prohibited actions
5 shall, where consistent with the provisions of section one (1) of this Act,
6 apply to this Act.

1 SEC. 3. Any person violating the provisions of this Act shall be sub-
2 ject to the penalty provided for in section nineteen A point twenty
3 (19A.20) of the Code.

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 Farmer-
3 Labor Press, a newspaper* published in Council Bluffs, Iowa, and in
4 The Evening Sentinel, a newspaper published in Shenandoah, Iowa.

Approved May 6, 1975

I hereby certify that the foregoing Act, House File 348, was published in the Farmer-Labor Press, Council Bluffs, Iowa, May 15, 1975, and in The Evening Sentinel, Shenandoah, Iowa, May 13, 1975.

MELVIN D. SYNHORST, *Secretary of State*

*According to enrolled Act

CHAPTER 79

ELEMENTARY, SECONDARY AND PREKINDERGARTEN EDUCATION

H. F. 558

AN ACT relating to elementary, secondary and prekindergarten education, by changing the certification date of school budgets, providing for enforcement of school standards and prescribing time periods for compliance, clarifying the provision of auxiliary services, clarifying duties of the area education agency board and administrator, the director of special education, the department of public instruction, and the state comptroller, limiting reorganization under certain conditions, modifying reimbursement provisions for driver education, modifying the two hundred dollar minimum state foundation aid, providing new methods for defining enrollment and augmenting declining enrollment, clarifying authorized expenditures, providing a state percent of growth for the 1975-76 school year, new methods for determining state percent of growth and allowable growth, correcting methods of computing state cost and district cost per pupil, modifying the authority of the school budget review committee to reduce allowable growth, authorizing an enrichment program funded by property tax, state aid, and an income surtax to replace the former income surtax provisions, providing new methods for determining and funding costs of media services

and other services provided through the area education agencies, providing an advance to compensate for increasing enrollment, modifying reimbursement for special education services formerly offered by local districts and county or joint county school systems, providing certain special education support funds in addition to the programmed and approved costs, correcting references, making an appropriation, and providing a retroactive effective date.

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

1 SECTION 1. Section twenty-four point seventeen (24.17), unnum-
2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 The local budgets of the various political subdivisions, ~~except for lo-~~
4 ~~cal school districts,~~ shall be certified by the chairman of the certifying
5 board or levying board, as the case may be, in duplicate to the county
6 auditor not later than March ~~15~~ *fifteenth* of each year on blanks pre-
7 scribed by the state board, and according to the rules and instruction
8 which shall be furnished all certifying and levying boards in printed
9 form by the state board. ~~The local budgets of local school districts shall~~
10 ~~be certified not later than February 15 in the same manner as local~~
11 ~~budgets of the various political subdivisions are certified.~~

1 SEC. 2. Section two hundred fifty-seven point twenty-five (257.25),
2 subsections ten (10) and eleven (11), Code 1975, are amended to read as
3 follows:

4 10. As a basis for inclusion on the list of approved schools, the state
5 department of public instruction shall evaluate the school educational
6 program in the several school systems of the state for the purposes of
7 school improvement and approval, and each public and nonpublic
8 school system shall make such reports as the superintendent of public
9 instruction deems necessary to show compliance with the curriculum
10 programs and other requirements prescribed in the Code. *The state de-*
11 *partment, in consultation with the board of directors and adminis-*
12 *tration of the school district, shall conduct an immediate evaluation*
13 *of the educational program of each school district which the depart-*
14 *ment determines has failed to comply with the curriculum programs*
15 *and other requirements prescribed in the Code.*

16 The state superintendent shall make recommendations and sugges-
17 tions in writing to each school and school district which is subject to
18 this section when the department of public instruction determines, af-
19 ter due investigation, that deficiencies exist in any school or school dis-
20 trict.

21 The state board of public instruction shall adopt approval standards
22 and rules to implement, interpret and make effective the provisions of
23 this section. In adopting the same, the board shall take into account
24 recognized educational standards. Standards and rules shall be of gen-
25 eral application without specific regard to school population.

26 Such standards and rules shall be subject to the provisions of chapter
27 17A. In addition, such standards and rules shall be reported by the
28 state board to the general assembly within twenty days after the com-
29 mencement of a regular legislative session. No school or school district
30 shall be removed from the approved list for failure to comply with such
31 standards or rules, until at least one hundred twenty days have elapsed
32 following the reporting of such standards and rules to the general as-
33 sembly as provided in this section.

34 11. The state board of public instruction shall remove for cause, af-
35 ter due investigation and notice, any school or school district from the
36 approved list which fails to comply with such approval standards and
37 rules *in the manner prescribed in this subsection.* The state board
38 shall allow a reasonable period of time *after notification of noncom-*

39 ~~pliance, which shall be at least one~~ *not to exceed the following school*
 40 *year, for compliance with such approval standards and rules. If such* ~~if such~~ *If*
 41 *the school or school district is making a good faith effort and substan-*
 42 *tial progress toward full compliance and if the failure to comply is due*
 43 *to factors beyond the control of the board of directors or governing*
 44 *body of such school or school district* ~~additional time may be granted.~~
 45 *In allowing such time for compliance, the board shall follow consistent*
 46 *policies, taking into account the circumstances of each case. The reason-*
 47 *able period of time for compliance may be, but need not be given*
 48 ~~prior to~~ *shall not exceed the one-year notice requirement that is re-*
 49 ~~quired under of~~ *subsection 12. A school or school district which is re-*
 50 ~~moved from the approved list pursuant to the provisions of this section~~
 51 ~~shall be ineligible to receive state financial aid during the period of~~
 52 ~~noncompliance.~~

53 *The* ~~During the period of time allowed for compliance, the super-~~
 54 *intendent of public instruction and the president of the state board*
 55 *shall confer with the affected school board and with the school boards*
 56 *of contiguous school districts to assist the affected school board in de-*
 57 *termining how best to offer the students of that district an approved*
 58 *educational program. When a school district has been removed from*
 59 *the approved list, is ineligible to receive state aid, and can no longer*
 60 *continue to operate, the board of directors shall seek to merge the terri-*
 61 *tory of the school district with one or more contiguous school districts*
 62 *pursuant to the provisions of chapter 275. If by the first of July the*
 63 *following school year, the district has not met the approval standards*
 64 *and any portion of the district has not been merged with one or more*
 65 *contiguous school districts, the portion that has not been merged shall*
 66 *be merged with one or more contiguous school districts by the state*
 67 *board and the provisions of sections 275.25 to 275.38 shall apply.*

1 SEC. 3. Section two hundred fifty-seven point twenty-five (257.25),
 2 subsection twelve (12), Code 1975, is amended by adding the following
 3 new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. After notification of removal from
 5 the approved list, the board of directors shall seek to merge the territo-
 6 ry of the school district with one or more contiguous school districts
 7 pursuant to the provisions of chapter two hundred seventy-five (275) of
 8 the Code. If on the date specified for removal from the approved list,
 9 the district, or any portion of the district, has not been merged with
 10 one or more contiguous school districts, the portion that has not been
 11 merged shall be merged with one or more contiguous school districts by
 12 the state board, and the provisions of sections two hundred seventy-
 13 five point twenty-five (275.25) through two hundred seventy-five point
 14 thirty-eight (275.38) of the Code shall apply. Until the merger is com-
 15 pleted, the school district shall pay tuition for its resident students to
 16 an approved school district under the provisions of section two hundred
 17 seventy-nine point eighteen (279.18) of the Code.

1 SEC. 4. Section two hundred seventy-three point two (273.2), subsec-
 2 tion four (4), Code 1975, is amended by striking the subsection and in-
 3 serting in lieu thereof the following:

4 4. Auxiliary services for nonpublic school pupils as provided in sec-
 5 tion two hundred fifty-seven point twenty-six (257.26) of the Code.
 6 However, if auxiliary services are provided their funding shall be based
 7 on the type of service provided.

1 SEC. 5. Section two hundred seventy-three point two (273.2), un-
 2 numbered paragraph five (5), Code 1975, is amended to read as fol-
 3 lows:

4 The board of directors of an area education agency shall not estab-
 5 lish programs and services which duplicate programs and services
 6 *which are or may be* provided by the area schools under the provisions
 7 of chapter 280A. An area education agency shall contract, whenever
 8 practicable, with other school corporations for the use of personnel,
 9 buildings, facilities, supplies, equipment, programs, and services.

1 SEC. 6. Section two hundred seventy-three point three (273.3), sub-
 2 sections two (2) and seven (7), Code 1975, are amended to read as fol-
 3 lows:

4 2. Be authorized to receive and expend money for providing pro-
 5 grams and services as provided in sections 273.1 to 273.9 ~~and~~, chapter
 6 281 ~~and chapter four hundred forty-two (442) of the Code~~. All costs
 7 incurred in providing the programs and services, including administra-
 8 tive costs, shall be paid from funds received pursuant to sections 273.1
 9 to 273.9 and chapters 281 and 442.

10 7. Be authorized, subject to the approval of the ~~department state~~
 11 *board* of public instruction, to lease, receive by gift and operate and
 12 maintain such facilities and buildings as deemed necessary to provide
 13 authorized programs and services. *However, the state board shall not*
 14 *approve the leasing or renting of facilities or buildings until it is*
 15 *satisfied by investigation that no public school corporations within*
 16 *the area have suitable facilities available.*

1 SEC. 7. Section two hundred seventy-three point three (273.3), Code
 2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Be authorized, subject to the approval of the de-
 4 partment of public instruction, to acquire by retransfer from the coun-
 5 ty board of education of a county school system, within one year
 6 from the effective date of this Act, at a cost not to exceed one thou-
 7 sand dollars, any land formerly held by the United States department
 8 of health, education, and welfare.

1 SEC. 8. Section two hundred seventy-three point four (273.4), Code
 2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Submit program plans each year to the depart-
 4 ment of public instruction to reflect the needs of the area education
 5 agency for media services as provided in section two hundred seventy-
 6 three point six (273.6) of the Code.

1 SEC. 9. Section two hundred seventy-three point five (273.5), sub-
 2 section six (6), Code 1975, is amended to read as follows:

3 6. Submit to the department of public instruction special education
 4 instructional and support program plans and applications including
 5 those for new or expanded programs and services, subject to criteria
 6 listed in chapter 281 ~~and this chapter~~, for approval by November 4
 7 *first* of each year for the school year commencing the following July 4
 8 *first*.

9 *For the school years subsequent to the school year beginning July*
 10 *1, 1975, the director shall include in the program plans submitted to*
 11 *the department for support services the costs necessary to fund the*
 12 *newly identified nonpublic school pupils served by the area with*
 13 *support services not previously counted in the program plans for*
 14 *support services.*

1 SEC. 10. Section two hundred seventy-three point eight (273.8), sub-
 2 section two (2), unnumbered paragraph five (5), Code 1975, is amended
 3 to read as follows:

4 Vacancies, as defined in section 277.29, in the membership of the

5 area education agency board shall be filled for the unexpired portion
6 of the term by the board of the school district in which the member re-
7 sided at a special director district convention called and conducted
8 in the manner provided in this subsection for regular director dis-
9 trict conventions.

1 SEC. 11. Section two hundred seventy-three point nine (273.9),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **273.9 Funding.**

5 1. For the school year beginning July 1, 1975, and each succeeding
6 school year, school districts shall pay for the programs and services
7 provided through the area education agency and shall include expendi-
8 tures for the programs and services in their budgets, in accordance with
9 the provisions of this section.

10 2. School districts shall pay the costs of special education instruc-
11 tional programs with the moneys available to the districts for each
12 child requiring special education, by application of the special educa-
13 tion weighting plan in section two hundred eighty-one point nine
14 (281.9) of the Code. Special education instructional programs shall be
15 provided at the local level if practicable, or otherwise by contractual
16 arrangements with the area education agency board as provided in sec-
17 tion two hundred seventy-three point three (273.3), subsection five (5)
18 of the Code, but in each case the total money available through sec-
19 tion two hundred eighty-one point nine (281.9) and chapter four
20 hundred forty-two (442) of the Code because of weighted enrollment
21 for each child requiring special education instruction shall be made
22 available to the district or agency which provides the special education
23 instructional program to the child, subject to adjustments for transpor-
24 tation or other costs which may be paid by the school district in which
25 the child is enrolled. Each district shall cooperate with its area educa-
26 tion agency to provide an appropriate special education instructional
27 program for each child who requires special education instruction, as
28 identified and counted within the certification by the area director of
29 special education or as identified by the area director of special educa-
30 tion subsequent to the certification, and shall not provide a special ed-
31 ucation instructional program to a child who has not been so identified
32 and counted within the certification or identified subsequent to the cer-
33 tification.

34 3. The costs of special education support services provided through
35 the area education agency shall be funded by an increase in the allow-
36 able growth of each school district, determined as provided in section
37 four hundred forty-two point seven (442.7) of the Code. Special educa-
38 tion support services shall not be funded until the program plans sub-
39 mitted by the special education directors of each area education
40 agency as required by section two hundred seventy-three point five
41 (273.5) of the Code are modified as necessary and approved by the de-
42 partment of public instruction according to the criteria and limitations
43 of chapter two hundred eighty-one (281) and section four hundred
44 forty-two point seven (442.7) of the Code.

45 4. The costs of media services provided through the area education
46 agency shall be funded as provided in the first new section of section
47 twenty-five (25) of this Act. Media services shall not be funded until
48 the program plans submitted by the administrators of each area educa-
49 tion agency as required by section two hundred seventy-three point
50 four (273.4) of the Code are modified as necessary and approved by the
51 department of public instruction according to the criteria and limita-

52 tions of section two hundred seventy-three point six (273.6) of the Code
53 and the first new section of section twenty-five (25) of this Act.

54 5. The costs of other services provided through the area education
55 agency shall be funded within the limitations in the first new section
56 of section twenty-five (25) of this Act. The department of public in-
57 struction shall promulgate rules under chapter seventeen A (17A) of the
58 Code, as necessary to implement performance of its approval duties
59 under this section.

1 SEC. 12. Chapter two hundred seventy-three (273), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Media production.** The purchase or lease of equip-
4 ment or facilities for media production or reproduction by an area edu-
5 cation agency shall require the approval of the state board of public
6 instruction. However, the purchase or lease of equipment for television
7 production, television transmission, or closed circuit television trans-
8 mission by an area education agency is prohibited. If the area educa-
9 tion agency wishes to use equipment for television production,
10 television transmission, or closed circuit television transmission, the
11 area education agency shall contract with the state educational radio
12 and television facility board.

1 SEC. 13. Chapter two hundred seventy-five (275), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION.** A school district which is enlarged, reorganized, or
4 changes its boundaries under the provisions of sections two hundred
5 seventy-five point twelve (275.12) through two hundred seventy-five
6 point twenty-three (275.23) of the Code, shall not be allowed to file a
7 petition under the provisions of section two hundred seventy-five point
8 twelve (275.12) of the Code for the purpose of reducing the area served
9 or changing the boundaries to exclude areas encompassed by the en-
10 largement, reorganization or boundary changes for a period of five
11 years following the effective date of the enlargement, reorganization or
12 boundary change unless such action is approved by the state board of
13 public instruction.

1 SEC. 14. Section two hundred eighty-one point eleven (281.11), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 Program plans submitted to the department of public instruction
5 pursuant to section ~~273.4~~ *two hundred seventy-three point five*
6 *(273.5) of the Code* for approval shall establish all of the following:

1 SEC. 15. Section three hundred twenty-one point one hundred
2 seventy-eight (321.178), subsection one (1), Code 1975, is amended to
3 read as follows:

4 **321.178 Driver education.**

5 1. Approved course. An approved driver education course as pro-
6 grammed by the department of public instruction shall consist of at
7 least thirty clock hours of classroom instruction, and six or more clock
8 hours of laboratory instruction of which at least three clock hours shall
9 consist of street or highway driving.

10 The state shall reimburse each public school district in an amount
11 not to exceed thirty dollars per student for each student enrolled in
12 and regularly attending an approved driver education course offered or
13 made available by the school district. Every public school district in
14 Iowa shall offer or make available to all students residing in the school
15 district or Iowa students attending a nonpublic school in the district

16 an approved course in driver education. Said courses may be offered at
 17 sites other than at the public school, including nonpublic school facili-
 18 ties within the public school districts. ~~The public school district offer-~~
 19 ~~ing said course in a nonpublic school within the public school district~~
 20 ~~shall be eligible for the thirty dollar state reimbursement for each stu-~~
 21 ~~dent in the course regardless of the public school district in which the~~
 22 ~~student happens to reside.~~ An approved course offered during the sum-
 23 mer months, on Saturdays, after regular school hours during the regu-
 24 lar terms or partly in one term or summer vacation period and partly
 25 in the succeeding term or summer vacation period, as the case may be,
 26 shall satisfy the requirements of this section to the same extent as an
 27 approved course offered during the regular school hours of the school
 28 term. A student who successfully completes and obtains certification in
 29 an approved course in driver education may, upon proof of such fact,
 30 be excused from any field test which he would otherwise be required to
 31 take in demonstrating his ability to operate a motor vehicle. ~~Funds for~~
 32 ~~such reimbursement shall be appropriated by the legislature to a spe-~~
 33 ~~cial driver education fund to be administered by the department of~~
 34 ~~public instruction. Four percent of the annual amount allocated to the~~
 35 ~~special driver education fund, shall be available to the department of~~
 36 ~~public instruction for use in discharging the cost of administration of~~
 37 ~~this section.~~

1 SEC. 16. Section four hundred forty-two point one (442.1), Code
 2 1975, is amended to read as follows:

3 **442.1 State school foundation program.** This chapter establishes
 4 a state school foundation program. For each school year, each school
 5 district in the state is entitled to receive state school foundation aid,
 6 which shall be an amount per pupil equal to the difference between the
 7 amount per pupil of foundation property tax in the district, and the
 8 state foundation base or the district cost per pupil, whichever is less.
 9 However, if the amount so determined for any district is less than two
 10 hundred dollars per pupil, the district is entitled to receive not less
 11 than two hundred dollars per pupil ~~except when a district's total gener-~~
 12 ~~al fund tax rate is reduced to ninety percent or less of the district's to-~~
 13 ~~tal general fund tax rate for the school year beginning July 1, 1970.~~
 14 ~~However, if this computation is made for the school years beginning~~
 15 ~~July 1, 1975, and July 1, 1976, the general fund levy for each district~~
 16 ~~for the school year which began July 1, 1970, shall be determined by~~
 17 ~~including the levy certified by the county school system or joint coun-~~
 18 ~~ty system in which the district was located, for the school year which~~
 19 ~~began July 1, 1970. In this case the district is entitled to receive only~~
 20 ~~that portion of the two hundred dollars per pupil necessary to retain~~
 21 ~~that ten percent reduction. However if the receipt of two hundred~~
 22 ~~dollars by a school district plus the money raised by the foundation~~
 23 ~~property tax exceeds the maximum allowed district cost for the bud-~~
 24 ~~get year, the district shall be entitled to receive in state foundation~~
 25 ~~aid an amount equal to the difference between the money raised by~~
 26 ~~the foundation property tax for the budget year and the district cost~~
 27 ~~for the budget year. In making computations and payments under this~~
 28 ~~chapter, except in the case of computations relating to funding of~~
 29 ~~special education support services, media services and other services~~
 30 ~~provided through the area education agencies, the state comptroller~~
 31 ~~shall round amounts to the nearest whole dollar.~~

1 SEC. 17. Section four hundred forty-two point four (442.4), Code
 2 1975, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 442.4 Enrollment.

5 1. Basic enrollment for the budget year is determined by adding the
6 resident pupils who were enrolled on the second Friday of January in
7 the base year in public elementary and secondary schools of the district
8 and in public elementary and secondary schools in another district or
9 state for which tuition is paid by the district. For the school year be-
10 ginning July 1, 1975, pupils who were enrolled on the second Friday of
11 January in the base year in special education programs conducted by a
12 county or joint county school system are included in basic enrollment.
13 For the school year beginning July 1, 1975, and each succeeding school
14 year, pupils enrolled in prekindergarten programs other than special
15 education programs are not included in basic enrollment.

16 Resident pupils of high school age for which the district pays tuition
17 to attend an Iowa area school are included in basic enrollment on a
18 full-time equivalent basis as of the second Friday of January in the
19 base year.

20 Shared-time and part-time pupils of school age, irrespective of the
21 districts in which the pupils reside, are included in basic enrollment as
22 of the second Friday of January in the base year, in the proportion
23 that the time for which they are enrolled or receive instruction for the
24 school year is to the time that full-time pupils carrying a normal
25 course schedule, at the same grade level, in the same school district, for
26 the same school year, are enrolled and receive instruction. Tuition
27 charges to the parent or guardian of a shared-time or part-time out-of-
28 district pupil shall be reduced by the amount of any increased state aid
29 occasioned by the counting of the pupil.

30 Pupils attending a university laboratory school are not counted in
31 any district's basic enrollment, but the laboratory school shall report
32 them directly to the department of public instruction.

33 A school district shall certify its basic enrollment to the state depart-
34 ment of public instruction by January twenty-fifth of each year, and
35 the department shall promptly forward the information to the state
36 comptroller. For purposes of determining whether a district is entitled
37 to an advance for increasing enrollment, and for record-keeping pur-
38 poses, a determination of enrollment shall be made on the second Fri-
39 day of September in the budget year, in the same manner as the
40 January basic enrollment is determined.

41 However, for the school year beginning July 1, 1974, basic enroll-
42 ment is equal to the actual enrollment used for that year prior to ad-
43 justment for decreasing enrollment.

44 2. An adjusted enrollment for each district shall be computed as fol-
45 lows:

46 a. For the school year beginning July 1, 1975, if a district has a de-
47 crease from the sum of the basic enrollment in the base year plus ad-
48 justments for decreasing enrollment made in the base year, to the basic
49 enrollment in the budget year, the state comptroller shall compute an
50 amount to be added to the basic enrollment for the budget year. The
51 amount to be added is equal to fifty percent of this decrease, to the ex-
52 tent that the decrease does not exceed five percent of the sum of the
53 basic enrollment in the base year plus adjustments made for decreasing
54 enrollment in the base year, and twenty-five percent of the remaining
55 decrease. If the district does not experience this decrease, the adjusted
56 enrollment for the budget year is equal to the basic enrollment for the
57 budget year.

58 b. For the school years subsequent to the school year beginning July
59 1, 1975, if a district has a decrease from the basic enrollment in the
60 base year to the basic enrollment in the budget year the state comp-

61 troller shall compute an amount to be added to the basic enrollment
 62 for the budget year. The amount to be added is equal to fifty percent
 63 of the basic enrollment decrease to the extent that it does not exceed
 64 five percent of the base year's basic enrollment, and twenty-five per-
 65 cent of the remaining basic enrollment decrease. If the school district
 66 does not experience a decrease from the basic enrollment in the base
 67 year to the basic enrollment in the budget year the adjusted enroll-
 68 ment for the budget year is equal to the basic enrollment for the bud-
 69 get year.

70 3. Weighted enrollment is the adjusted enrollment as modified by
 71 application of the special education weighting plan in section two
 72 hundred eighty-one point nine (281.9) of the Code.

1 SEC. 18. Section four hundred forty-two point five (442.5), subsec-
 2 tion one (1), paragraph a, and subsection two (2), Code 1975, are
 3 amended to read as follows:

4 a. "Miscellaneous income" means all receipts deposited to the gener-
 5 al fund of a school district which are not obtained from state aid pro-
 6 vided under section 442.1 or 442.11, or from property tax *authorized*
 7 *under section four hundred forty-two point two (442.2) or four*
 8 *hundred forty-two point nine (442.9) of the Code.*

9 2. The authorized expenditures during a school year may not exceed
 10 the lesser of the budget for that year certified under section 24.17 plus
 11 any allowable amendments permitted in this section, or the *authorized*
 12 *budget, which is the* sum of the district cost for that year plus the ac-
 13 tual miscellaneous income received for that year plus the actual un-
 14 spent balance from the preceding year. If actual miscellaneous income
 15 for a school year exceeds the anticipated miscellaneous income in the
 16 certified budget for that year, *or if an unspent balance has not been*
 17 *previously certified*, a school district may amend its certified budget.
 18 ~~A school district receiving voter approval to levy an income surtax may~~
 19 ~~include, in the expenditures of the year prior to actual receipt of such~~
 20 ~~funds, an estimation of the yield of the surtax rate. Actual expendi-~~
 21 ~~tures following the last effective year of the approved surtax must be~~
 22 ~~reduced by the amount of such estimate.~~

1 SEC. 19. Section four hundred forty-two point seven (442.7), Code
 2 1975, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **442.7 State percent of growth—allowable growth.**

5 1. For the school year beginning July 1, 1975, the state percent of
 6 growth is ten and seven-tenths percent.

7 Seven-tenths of one percent of the state percent of growth is to
 8 compensate for the cost of improvements to the Iowa public employ-
 9 ees' retirement system and also to fund a portion of the cost of driver
 10 education classes offered by the district and formerly funded partly by
 11 a state appropriation.

12 2. For school years subsequent to the school year beginning July 1,
 13 1975, a state percent of growth for the budget year shall be computed
 14 by the state comptroller prior to February fifteenth of each year and
 15 forwarded to the superintendent of public instruction. The state per-
 16 cent of growth shall be an average of the following six percentages of
 17 growth:

18 a. The difference in the state general fund revenues received during
 19 the year, adjusted for changes in rates or basis, computed or estimated
 20 as a percentage of change for each of the following periods:

21 (1) From the year immediately preceding the base year to the base
 22 year.

23 (2) From the base year to the budget year.

24 b. The difference in the statewide assessed valuation of real property
25 adjusted for statewide changes in assessment practices computed or es-
26 timated as a percentage of change for each of the following periods:

27 (1) From January first of the year immediately preceding the base
28 year to January first of the base year.

29 (2) From January first of the base year to January first of the bud-
30 get year.

31 c. The difference in the Iowa consumer price index which shall be
32 computed by the state comptroller prior to January 1, 1976, and recom-
33 puted each month subsequent to January 1, 1976, based upon a com-
34 prehensive sampling of the costs of goods and services within Iowa,
35 and until an Iowa consumer price index is available, the consumer
36 price index published by the bureau of labor statistics, United States
37 department of labor computed or estimated as a percentage of change
38 for the following periods:

39 (1) From July first of the base year to July first of the budget year.

40 (2) From July first of the budget year to July first of the year imme-
41 diately following the budget year.

42 3. If the state percent of growth so computed is negative, that per-
43 centage shall not be used and the state percent of growth shall be zero.

44 4. Each year prior to February fifteenth the state comptroller shall
45 recompute the state percent of growth for the previous year using ad-
46 justed estimates and the actual figures available. The difference be-
47 tween the recomputed state percent of growth for the base year and the
48 original computation shall be added to or subtracted from the state
49 percent of growth for the budget year, as applicable.

50 5. The state comptroller shall compute an estimated state percent of
51 growth for the budget year prior to September fifteenth in the base
52 year and shall forward this estimate to the superintendent of public in-
53 struction.

54 6. The basic allowable growth per pupil for the budget year shall be
55 computed by multiplying the state cost per pupil for the base year
56 times the state percent of growth for the budget year.

57 7. The allowable growth per pupil for each school district is the basic
58 allowable growth per pupil, for the budget year modified as follows:

59 a. If the state cost per pupil in the base year exceeds the district cost
60 per pupil in the base year, the basic allowable growth per pupil for the
61 budget year is modified to equal the lesser of one hundred twenty-five
62 percent of the basic allowable growth per pupil for the budget year or
63 an amount sufficient to equalize the district cost per pupil in the bud-
64 get year with the state cost per pupil in the budget year.

65 b. By the school budget review committee under section four
66 hundred forty-two point thirteen (442.13) of the Code.

67 c. For the school year beginning July 1, 1975 only, by adding to the
68 basic allowable growth per pupil for the budget year an amount to
69 compensate for the costs of special education support services provided
70 through the area education agency. The total amount for each area
71 shall be based upon the program plans submitted by the special educa-
72 tion director of the area education agency as required by section two
73 hundred seventy-three point five (273.5) of the Code, which shall be
74 modified as necessary and approved by the department of public in-
75 struction according to the criteria and limitations of section two
76 hundred seventy-three point five (273.5) and chapter two hundred
77 eighty-one (281) of the Code. The amount of additional allowable
78 growth per pupil for the budget year for each district in an area
79 shall be determined by dividing the total amount for the area so de-

80 terminated by the weighted enrollment of the area for the budget year.
 81 d. For each year following the school year beginning July 1, 1975,
 82 by adding to the basic allowable growth an amount to compensate for
 83 the additional costs of special education support services provided
 84 through the area education agency. The total amount for each area
 85 shall be based upon the amount needed in the area to serve children
 86 newly identified as requiring the services pursuant to plans submitted
 87 by the special education director of the area education agency as re-
 88 quired by section two hundred seventy-three point five (273.5) of the
 89 Code, which shall be modified as necessary and approved by the de-
 90 partment of public instruction according to the criteria and limitations
 91 of section two hundred seventy-three point five (273.5) and chapter two
 92 hundred eighty-one (281) of the Code. The amount of additional al-
 93 lowable growth per pupil for the budget year for each district in an
 94 area shall be determined by dividing the total amount for the area so
 95 determined by the weighted enrollment of the area for the budget
 96 year.

97 e. For the additional allowable growth computed under paragraphs c
 98 or d of this subsection, the department of public instruction, in cooper-
 99 ation with the appropriate personnel of the area education agency,
 100 shall determine the amounts for each area education agency, as re-
 101 quired and the state comptroller shall calculate the amounts of addi-
 102 tional allowable growth for each district, and shall calculate the
 103 amounts due from each district to its area education agency by multi-
 104 plying the additional allowable growth per pupil by the weighted en-
 105 rollment in the district for the budget year. The state comptroller shall
 106 deduct the amounts so calculated for each school district from the state
 107 aid due to the district pursuant to chapter four hundred forty-two (442)
 108 of the Code, and shall pay the amounts to the area education agencies
 109 on a quarterly basis during each school year. The state comptroller
 110 shall notify each school district of the amount of state aid deducted for
 111 this purpose and the balance of state aid will be paid to the district. If
 112 a district does not qualify for state aid under chapter four hundred
 113 forty-two (442) of the Code in an amount sufficient to cover its amount
 114 due to the area education agency as calculated by the state comptrol-
 115 ler, the school district shall pay the deficiency to the area education
 116 agency from other moneys received by the district, on a quarterly basis
 117 during each school year.

1 SEC. 20. Section four hundred forty-two point eight (442.8), Code
 2 1975, is amended to read as follows:

3 **442.8 State cost per pupil.** *As used in this chapter, "state cost*
 4 *per pupil" for the school year beginning July 1, 1974, and prior*
 5 *school years means state cost per pupil in enrollment as enrollment*
 6 *was determined under section four hundred forty-two point four*
 7 *(442.4) of the Code prior to January 1, 1975, and "state cost per*
 8 *pupil" for the school year beginning July 1, 1975, and subsequent*
 9 *school years means state cost per pupil in weighted enrollment. The*
 10 *state cost per pupil for the school year beginning July 1, 1972, is nine*
 11 *hundred three dollars. The state cost per pupil for the school year be-*
 12 *ginning on July 1, 1973, and for each succeeding school year is the pre-*
 13 *vious base year's state cost per pupil plus the allowable growth for the*
 14 *budget year. If the state percent of growth is zero or less, the state cost*
 15 *per pupil shall be the same as the previous base year's state cost per*
 16 *pupil.*

17 For the school year beginning July 1, 1975, the allowable growth
 18 added to the state cost per pupil shall be the *basic* allowable growth as

19 otherwise computed under section 442.7, increased by an amount equal
 20 to the average of the amounts of allowable growth added for each
 21 school district in the state for special education support services provid-
 22 ed through the area education agencies under ~~section~~ sections 273.9,
 23 subsection 4 three (3), and four hundred forty-two point seven
 24 (442.7), subsection seven (7), paragraph c of the Code. For each suc-
 25 ceeding school year, the allowable growth added to the state cost per
 26 pupil as otherwise computed under section 442.7 shall be *the basic al-*
 27 *lowable growth* increased by an amount equal to the average of the
 28 amounts of allowable growth added for each school district in the state
 29 for additional special education support services needed for that year
 30 to serve newly identified children who require the services, under ~~sec-~~
 31 ~~tion~~ sections 273.9, subsection 4 three (3), and four hundred forty-two
 32 point seven (442.7), subsection seven (7), paragraph d of the Code.
 33 The state comptroller shall compute the applicable amount of allow-
 34 able growth to be added to the state cost per pupil for each school
 35 year.

1 SEC. 21. Section four hundred forty-two point nine (442.9), subsec-
 2 tion one (1), paragraphs a and b, Code 1975, are amended to read as
 3 follows:

4 a. *As used in this chapter, "district cost per pupil" for the school*
 5 *year beginning July 1, 1974, and for prior school years means the*
 6 *district cost per pupil in enrollment, as enrollment was determined*
 7 *under section four hundred forty-two point four (442.4) of the Code*
 8 *prior to January 1, 1975, and "district cost per pupil" for the school*
 9 *year beginning July 1, 1975, and subsequent school years means dis-*
 10 *trict cost per pupil in weighted enrollment. The district cost per pu-*
 11 *pil for the budget year is equal to the district cost per pupil for the base*
 12 *year plus the allowable growth. However, in determining the district*
 13 *cost per pupil for the budget year beginning July 1, 1973, district cost*
 14 *per pupil in the base year means the general fund budget for the*
 15 *school year beginning July 1, 1971, as authorized and funded under*
 16 *Acts of the Sixty-fourth General Assembly, chapter 72, including addi-*
 17 *tional approved funding authorized by the school budget review com-*
 18 *mittee, less the amount of adjusted miscellaneous income including*
 19 *adjustments pursuant to section 442.25, divided by the fall enrollment*
 20 *certified in September of 1971, plus the allowable growth for the school*
 21 *year beginning July 1, 1972, as computed on the basis of state cost per*
 22 *pupil excluding miscellaneous income. Also, in determining the district*
 23 *cost per pupil for the budget year beginning July 1, 1975, the amount*
 24 *received by a school district under sections 281.9 to 281.11, as state re-*
 25 *imbursement for special education costs for the school year beginning*
 26 *July 1, 1974, shall be deducted.*

27 b. The district cost for the budget year is equal to the district cost
 28 per pupil for the budget year multiplied by the weighted enrollment,
 29 plus the additional district cost allocated to the district under the
 30 first new section of section twenty-five (25) of this Act to fund me-
 31 dia services and other services provided through the area education
 32 agency. A school district may not increase its district cost for the bud-
 33 get year except to the extent that an excess tax levy is authorized by
 34 the school budget review committee as provided in section 442.13, sub-
 35 section 7.

1 SEC. 22. Section four hundred forty-two point thirteen (442.13),
 2 subsection four (4), Code 1975, is amended by striking the subsection.

1 SEC. 23. Section four hundred forty-two point fourteen (442.14),

2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **442.14 Additional enrichment amount.**

5 1. For the budget year beginning July 1, 1976, and each succeeding
6 school year, if a school board wishes to spend more than the amount
7 permitted under sections four hundred forty-two point one (442.1)
8 through four hundred forty-two point thirteen (442.13) of the Code,
9 and the school board has not attempted by resolution to raise an addi-
10 tional enrichment amount for that budget year, the school board may
11 raise an additional enrichment amount not to exceed five percent of
12 the state cost per pupil multiplied by the adjusted enrollment in the
13 district, as provided in this section. However, the additional enrich-
14 ment amount may be used only for educational research, curriculum
15 maintenance or development, or innovative programs.

16 2. The board shall determine the additional enrichment amount per
17 pupil needed, within the limits of this section, and shall direct the
18 county commissioner of elections to submit the question of whether to
19 raise that amount under the provisions of this section and section four
20 hundred forty-two point fifteen (442.15) of the Code, to the qualified
21 electors of the school district at a regular or special school election held
22 not later than February fifteenth of the base year. If a majority of
23 those voting favors raising the enrichment amount, the board may in-
24 clude the approved amount in its certified budget.

25 3. The additional enrichment amount needed shall be raised within
26 the limits provided in this section by a combination of an enrichment
27 property tax and a school district income surtax imposed in the propor-
28 tion of a property tax of twenty-seven cents per thousand dollars of as-
29 sessed valuation of taxable property in the district for each two and
30 one-half percent of income surtax.

31 4. The additional enrichment amount for a district is limited to the
32 amount which may be raised by a combination tax in the prescribed
33 proportion which does not exceed a property tax of fifty-four cents per
34 thousand dollars of assessed valuation and an income surtax of five
35 percent.

1 SEC. 24. Section four hundred forty-two point fifteen (442.15),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **442.15 Computation of enrichment amount.** If a majority of
5 those voting in an election approves raising the additional enrichment
6 amount under section four hundred forty-two point fourteen (442.14) of
7 the Code and this section, the board shall certify to the state comptrol-
8 ler that the required procedures have been carried out, and the state
9 comptroller shall establish the amount of additional enrichment prop-
10 erty tax to be levied and the amount of school district income surtax to
11 be imposed for each school year for which the additional enrichment
12 amount is authorized. The state comptroller shall determine these
13 amounts based upon the most recent figures available for the district's
14 valuation of taxable property, individual state income tax paid, and
15 adjusted enrollment in the district, and shall certify to the district's
16 county auditor the amount of enrichment property tax, and to the di-
17 rector of revenue the amount of school district income surtax to be im-
18 posed.

19 The school district income surtax shall be imposed on the state indi-
20 vidual income tax for the calendar year during which the school's bud-
21 get year begins, or for a taxpayer's fiscal year ending during the
22 second half of that calendar year or the first half of the succeeding cal-

23 endar year, and shall be imposed on all individuals residing in the
 24 school district on the last day of the applicable tax year. As used in
 25 this section, "state individual income tax" means the tax computed un-
 26 der section four hundred twenty-two point five (422.5) of the Code, less
 27 the deductions allowed in section four hundred twenty-two point
 28 twelve (422.12) of the Code.

29 An additional enrichment amount authorized under section four
 30 hundred forty-two point fourteen (442.14) of the Code or a lesser
 31 amount than the amount so authorized may be continued as provided
 32 in this section for a period of five school years. If the amount autho-
 33 rized is less than the maximum of five percent of the state cost per
 34 pupil and the board wishes to increase the amount, it shall reestablish
 35 its authority to do so in the manner provided in section four hundred
 36 forty-two point fourteen (442.14) of the Code. If the board wishes to
 37 continue any additional enrichment amount beyond the five-year peri-
 38 od, it shall reestablish its authority to do so in the manner provided in
 39 section four hundred forty-two point fourteen (442.14) of the Code
 40 within the twelve-month period prior to termination of the five-year
 41 period.

1 SEC. 25. Chapter four hundred forty-two (442), Code 1975, is
 2 amended by adding the following new sections:

3 **NEW SECTION. Funding media and other services.** Media ser-
 4 vices and other services provided through the area education agencies
 5 shall be funded, to the extent provided, by an addition to the district
 6 cost of each school district, determined as follows:

7 1. For the budget year beginning July 1, 1975, the total amount
 8 funded in each area for media services shall be the greater of an
 9 amount equal to the costs for media services in the area in the base
 10 year times the sum of one hundred percent plus the state percent of
 11 growth, or an amount equal to five dollars times the enrollment served
 12 in the area in the budget year. The costs for media services in the area
 13 in the base year beginning July 1, 1974, shall be a proportionate part
 14 of the budgeted expenditures by county school systems and joint county
 15 systems formerly serving pupils in the area based upon the enroll-
 16 ment served in that area in the base year by each county school system
 17 and joint county system compared to the total enrollment served by
 18 that county system or joint county system.

19 2. For each succeeding budget year, the total amount funded in each
 20 area for media services shall be the total amount funded in the area for
 21 media services in the base year times the sum of one hundred percent
 22 plus the state percent of growth.

23 3. However, the total amount funded in each area for media services
 24 in any budget year shall not exceed an amount equal to eight dollars
 25 times the enrollment served in the area in the budget year.

26 4. For the budget year beginning July 1, 1975, the total amount
 27 funded in each area for other services shall be an amount equal to ten
 28 dollars times the enrollment served in the area in the budget year.

29 5. For each succeeding budget year, the total amount funded in each
 30 area for other services shall be the total amount funded in the area for
 31 other services in the base year times the sum of one hundred percent
 32 plus the state percent of growth. Part of the amount funded for other
 33 services may be used by the area education agencies for nonrecurring
 34 media costs for the school year beginning July 1, 1975.

35 6. Of the total amounts funded in each area each year for media ser-
 36 vices and other services, a portion shall be allocated to each district in
 37 the area. The portion to be allocated to each district in an area shall

38 be the same percentage of the total amount that the enrollment served
39 in the budget year in the district is of the enrollment served in the
40 budget year in the area.

41 7. The portion allocated to each district in an area each budget
42 year for media services and other services shall be added to the district
43 cost of that district for the budget year as provided in section four
44 hundred forty-two point nine (442.9) of the Code.

45 8. The department of public instruction and the state comptroller
46 shall determine the total amounts funded in each area for media ser-
47 vices and other services each year, and the amounts to be allocated to
48 each district. The state comptroller shall deduct the amounts so calcu-
49 lated for each school district from the state aid due to the district pur-
50 suant to this chapter and shall pay the amounts to the districts' area
51 education agencies on a quarterly basis during each school year. The
52 state comptroller shall notify each school district the amount of state
53 aid deducted for this purpose and the balance which will be paid to the
54 district. If a district does not qualify for state aid under this chapter in
55 an amount sufficient to cover the amount due to its area education
56 agency as calculated by the state comptroller, the school district shall
57 pay the deficiency to its area education agency from other moneys re-
58 ceived by the district, on a quarterly basis during each school year.

59 9. "Enrollment served" means the basic enrollment plus the number
60 of nonpublic school pupils served with media services or other services,
61 as applicable, except that if a nonpublic school pupil receives services
62 through an area other than the area of the pupil's residence, the pupil
63 shall be deemed to be served by the area of his residence, which shall
64 by contractual arrangement reimburse the area through which the pu-
65 pil actually receives services. For the budget year beginning July 1,
66 1975, the total number of nonpublic pupils served by each area educa-
67 tion agency and the number of nonpublic school pupils residing within
68 each school district in the area to be served by the area education
69 agency for media and other services shall be submitted by the depart-
70 ment of public instruction to the state comptroller within one week af-
71 ter this Act is duly published. For school years subsequent to the
72 school year beginning July 1, 1975, each school district shall include in
73 the second Friday in January enrollment report the number of non-
74 public school pupils within each school district for media and other ser-
75 vices served by the area.

76 **NEW SECTION. Advance for increasing enrollment.** If a district's
77 weighted enrollment on the second Friday of September in the budget
78 year, determined in the same manner as the January weighted enroll-
79 ment is determined under section four hundred forty-two point four
80 (442.4) of the Code, is higher than its weighted enrollment on the sec-
81 ond Friday of January in the base year, the district is entitled to an
82 advance from the state of an amount equal to its district cost per pupil
83 less the amount per pupil for special education support services, media
84 services and other services computed as a part of district cost under the
85 provisions of section four hundred forty-two point seven (442.7) of the
86 Code and the first new section of section twenty-five (25) of this Act for
87 the budget year multiplied by its increase in weighted enrollment. The
88 advance shall be miscellaneous income.

89 If a district receives an advance under this section for a budget year,
90 the state comptroller shall determine the amount of the advance which
91 would have been met by local property tax revenues if the September
92 weighted enrollment had been used for that budget year, less the
93 amount of the adjustment to the district cost for increases in the
94 weighted enrollment made in the first unnumbered paragraph in this

95 section, shall reduce the district's total state school aids available under
96 this chapter for the next following budget year by the amount so
97 determined, and shall increase the district's tax levy computed under
98 section four hundred forty-two point nine (442.9) of the Code, for the
99 next following budget year by the amount necessary to compensate for
100 the reduction in state aid, so that the local property tax for the next
101 following year will be increased only by the amount which it would
102 have been increased in the budget year if the September weighted enrollment
103 could have been used to establish the levy less the amount of the
104 adjustment to the district cost for increases in the weighted enrollment
105 made in the first unnumbered paragraph in this section.

106 There is appropriated each year from the general fund of the state
107 the amount required to pay advances authorized under this section,
108 which shall be paid to school districts in the same manner as other
109 state aids are paid under section four hundred forty-two point twenty-
110 six (442.26) of the Code.

1 SEC. 26. Notwithstanding the provisions of sections two hundred
2 eighty-one point nine (281.9) and two hundred eighty-one point eleven
3 (281.11) of the Code as those sections are in effect prior to July 1, 1975,
4 reimbursement shall not be made to local school districts for the special
5 education costs for the school year beginning July 1, 1974, incurred for
6 programs provided for the school year beginning July 1, 1971, or prior
7 years, but reimbursement shall be made to local school districts for new
8 and expanded programs for the school year beginning July 1, 1974, beyond
9 those programs provided for the school year beginning July 1,
10 1971, and reimbursement applied for by county boards of education
11 and joint county boards of education under those sections shall be
12 made.

1 SEC. 27. All sections of this Act except the section amending section
2 three hundred twenty-one point one hundred seventy-eight
3 (321.178) of the Code, shall be retroactive to January 1, 1975, and take
4 effect for the 1975-1976 school year and succeeding school years.

1 SEC. 28. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Des
3 Moines Register, a newspaper published in Des Moines, Iowa, and in
4 The Cedar Rapids Gazette, a newspaper published in Cedar Rapids,
5 Iowa.

Approved June 3, 1975

I hereby certify that the foregoing Act, House File 558, was published in The Des Moines Register, Des Moines, Iowa, June 7, 1975, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, June 10, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 80

LIABILITY PROTECTION FOR STATE EMPLOYEES

H. F. 799

AN ACT relating to liability protection for state employees.

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

1 SECTION 1. Section twenty-five A point two (25A.2), subsection
2 three (3), Code 1975, is amended to read as follows:

3 3. "Employee of the state" includes any one or more officers,
4 *agents*, or employees of the state or any state agency, *including mem-*
5 *bers of the general assembly*, and persons acting on behalf of the state
6 or any state agency in any official capacity, temporarily or permanent-
7 ly in the service of the state of Iowa, whether with or without compen-
8 sation. Professional personnel, including medical doctors, osteopathic
9 physicians and surgeons, osteopathic physicians, optometrists and den-
10 tists, who render services to patients and inmates of state institutions
11 under the jurisdiction of the department of social services are to be
12 considered employees of the state, whether such personnel are em-
13 ployed on a full-time basis or render such services on a part-time basis
14 on a fee schedule or arrangement, *but shall not include any contrac-*
15 *tor doing business with the state.*

1 SEC. 2. Section twenty-five A point two (25A.2), subsection five (5),
2 Code 1975, is amended by striking the section* and inserting in lieu
3 thereof the following:

4 5. "Claim" means:
5 a. Any claim against the state of Iowa for money only, on account
6 of damage to or loss of property or on account of personal injury or
7 death, caused by the negligent or wrongful act or omission of any em-
8 ployee of the state while acting within the scope of his office or em-
9 ployment, under circumstances where the state, if a private person,
10 would be liable to the claimant for such damage, loss, injury, or death.
11 b. Any claim against an employee of the state for money only, on
12 account of damage to or loss of property or on account of personal in-
13 jury or death, caused by the negligent or wrongful act or omission, ex-
14 cept an act of malfeasance in office or willful and wanton conduct, of
15 any employee of the state while acting within the scope of his office or
16 employment.

1 SEC. 3. Section twenty-five A point four (25A.4), Code 1975, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. If suit is commenced against an employee of the
4 state pursuant to the provisions of this chapter, an original notice shall
5 be served upon the employee in addition to the requirements of this
6 section. The employee of the state shall have the same period to enter
7 a general or special appearance as the state.

1 SEC. 4. Section twenty-five A point eight (25A.8), Code 1975, is
2 amended to read as follows:

3 **25A.8 Judgment as bar.** The final judgment in any suit under
4 this chapter shall constitute a complete bar to any action by the claim-
5 ant, by reason of the same subject matter, against *the state* or the em-
6 ployee of the state whose act or omission gave rise to the claim.
7 However, this section shall not apply if the court rules that the claim is
8 not permitted under this chapter.

*According to enrolled Act

1 SEC. 5. Section twenty-five A point thirteen (25A.13), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 Every claim and suit ~~against the state~~ permitted under this chapter
4 shall be forever barred, unless within two years after such claim ac-
5 crued, the claim is made in writing to the state appeal board under this
6 chapter. The time to begin a suit under this chapter shall be extended
7 for a period of six months from the date of mailing of notice to the
8 claimant by the state appeal board as to the final disposition of the
9 claim or from the date of withdrawal of the claim from the state ap-
10 peal board under section 25A.5, if the time to begin suit would other-
11 wise expire before the end of such period.

1 SEC. 6. Section twenty-five A point fourteen (25A.14), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The provisions of this chapter shall not apply *with respect to any*
4 *claim against the state*, to:

1 SEC. 7. Chapter twenty-five A (25A), Code 1975, is amended by
2 adding the following new sections:

3 **NEW SECTION. Officers and employees defended.** The state shall
4 defend any employee of the state, whether elected or appointed and,
5 except in cases of malfeasance in office, willful and unauthorized inju-
6 ry to persons or property, or willful and wanton conduct, shall save
7 harmless and indemnify such employees of the state against any tort
8 claim or demand, whether groundless or otherwise, arising out of an al-
9 leged act or omission occurring within the scope of their employment
10 or duties.

11 **NEW SECTION.** The state shall defend, indemnify and hold harmless
12 an employee of the state in any action commenced in federal court un-
13 der section one thousand nine hundred eighty-three (1983), Title forty-
14 two (42), United States Code, against the employee for acts of the em-
15 ployee while acting in the scope of employment. If the acts or omis-
16 sions of the employee, upon which the action is based, are within the
17 exceptions to claim as defined in section twenty-five A point two
18 (25A.2), subsection five (5), paragraph b, of the Code, the state shall
19 not indemnify or hold harmless the employee.

Approved June 30, 1975

CHAPTER 81

ELECTION PROCEDURES

H. F. 700

AN ACT relating to procedures for preparing for, giving notice of, conducting and canvassing elections, to the election of presidential electors, and to the registration of voters, and prescribing penalties.

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

1 SECTION 1. Section two point twenty-seven (2.27), Code 1975, as
2 amended by the Acts of the Sixty-sixth General Assembly, 1975 Ses-
3 sion, House File one hundred sixty (160), section one (1), is amended to
4 read as follows:

5 **2.27 Canvass of votes for governor.** The general assembly shall
6 meet in joint session on the same day the assembly first convenes in

7 January of 1979 and every four years thereafter as soon as both houses
 8 have been organized, and canvass the votes cast for governor and lieu-
 9 tenant governor and determine the election; ~~and when.~~ *If an election*
 10 *is necessary under section four (4) of this Act to fill a vacancy in*
 11 *the office of lieutenant governor, the general assembly shall similar-*
 12 *ly meet on the day it convenes in the January following that elec-*
 13 *tion and canvass the vote cast for the office. When the canvass is*
 14 *completed, the oath of office shall be administered to the persons, or*
 15 *person, so declared elected and.* *Upon being inaugurated the governor*
 16 *shall deliver to the joint assembly any message he or she may deem*
 17 *expedient.*

1 SEC. 2. Section thirty-nine point two (39.2), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:

3 **39.2 Special elections.** All special elections which are authorized
 4 or required by law, unless the applicable law otherwise requires, shall
 5 be held on Tuesday. No special election may be held on the first or
 6 second Tuesday preceding and following the primary and the general
 7 elections.

1 SEC. 3. Section thirty-nine point three (39.3), subsections five (5),
 2 ten (10) and eleven (11), Code 1975, are amended to read as follows:

3 5. "City election" means any election held in a city for nomination
 4 or election of the officers thereof *including a city primary or runoff*
 5 *election.*

6 10. "Commissioner" means the county commissioner of elections *as*
 7 *defined in section forty-seven point two (47.2) of the Code.*

8 11. "State commissioner" means the state commissioner of elections
 9 *as defined in section forty-seven point one (47.1) of the Code.*

1 SEC. 4. Chapter thirty-nine (39), Code 1975, is amended by insert-
 2 ing after section thirty-nine point ten (39.10) the following new section:

3 **NEW SECTION. Vacancies in certain offices.** If a vacancy occurs
 4 in the office of senator in the congress of the United States, lieutenant
 5 governor, secretary of state, auditor of state, treasurer of state, secre-
 6 tary of agriculture or attorney general seventy-five or more days prior
 7 to a general election, and the unexpired term in which the vacancy ex-
 8 ists has more than seventy days to run after the date of that general
 9 election, the vacancy shall be filled for the balance of the unexpired
 10 term at that general election and the person elected to fill the vacancy
 11 shall assume office as soon as a certificate of election has been issued
 12 and the person has qualified.

1 SEC. 5. Chapter thirty-nine (39), Code 1975, is amended by insert-
 2 ing after section thirty-nine point eighteen (39.18) the following new
 3 section:

4 **NEW SECTION. Vacancies in county offices.** If a vacancy occurs
 5 in the office of county supervisor or in any of the offices listed in sec-
 6 tion thirty-nine point seventeen (39.17) of the Code sixty or more days
 7 prior to a general election, and the unexpired term in which the vacan-
 8 cy exists has more than seventy days to run after the date of that gen-
 9 eral election, the vacancy shall be filled for the balance of the
 10 unexpired term at that general election and the person elected to fill
 11 the vacancy shall assume office as soon as a certificate of election has
 12 been issued and the person has qualified.

1 SEC. 6. Section forty-three point four (43.4), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:

3 Delegates to county conventions of political parties and party ~~com-~~

4 ~~mittees~~ *committee members* shall be elected at precinct caucuses
 5 held not later than the second Monday in May of each even-numbered
 6 year. The state central committee of each political party shall set the
 7 date for said caucuses. In accordance therewith, the county ~~central~~
 8 ~~committee~~ *chairperson* of each political party shall issue the call for
 9 said caucuses. The county ~~chairman~~ *chairperson* shall file with the
 10 county commissioner the meeting place of each precinct caucus at least
 11 seven days prior to the date of holding such caucus.

1 SEC. 7. Section forty-three point six (43.6), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:

3 **43.6 Nomination of U.S. senators, state and county offi-**
 4 **cers.** Candidates for the office of senator in the congress of the Unit-
 5 ed States, the offices listed in section thirty-nine point nine (39.9) of
 6 the Code, county supervisor and the offices listed in section thirty-nine
 7 point seventeen (39.17) of the Code shall be nominated in the year pre-
 8 ceding the expiration of the term of office of the incumbent.

9 1. When a vacancy occurs in the office of senator in the congress of
 10 the United States, lieutenant governor, secretary of state, auditor of
 11 state, treasurer of state, secretary of agriculture or attorney general
 12 and section four (4) of this Act requires that the vacancy be filled for
 13 the balance of the unexpired term at a general election, candidates for
 14 the office shall be nominated in the preceding primary election if the
 15 vacancy occurs seventy-five or more days prior to the date of that pri-
 16 mary election. If the vacancy occurs less than ninety days before the
 17 date of that primary election, the state commissioner shall accept nom-
 18 ination papers for that office only until five o'clock p.m. on the six-
 19 tieth day before the primary election, the provisions of section forty-
 20 three point eleven (43.11) of the Code notwithstanding. If the vacancy
 21 occurs later than seventy-five days before the date of that primary
 22 election, but not less than seventy-five days before the date of the gen-
 23 eral election, the nominations shall be made in the manner prescribed
 24 by this chapter for filling vacancies in nominations for offices to be
 25 voted for at the general election.

26 2. When a vacancy occurs in the office of county supervisor or any
 27 of the offices listed in section thirty-nine point seventeen (39.17) of the
 28 Code and section five (5) of this Act requires that the vacancy be filled
 29 for the balance of the unexpired term at a general election, candidates
 30 for the office shall be nominated in the preceding primary election if
 31 the vacancy occurs sixty or more days prior to the date of that primary
 32 election. If the vacancy occurs less than seventy-five days before the
 33 date of that primary election, the commissioner shall accept nomina-
 34 tion papers for that office only until five o'clock p.m. on the forty-
 35 ninth day before the primary election, the provisions of section forty-
 36 three point eleven (43.11) of the Code notwithstanding. If the vacancy
 37 occurs later than sixty days before the date of that primary election,
 38 but not less than sixty days before the date of the general election, the
 39 nominations shall be made in the manner prescribed by this chapter for
 40 filling vacancies in nominations for offices to be voted for at the gener-
 41 al election.

1 SEC. 8. Section forty-three point thirteen (43.13), Code 1975, is
 2 amended to read as follows:

3 **43.13 Failure to file nomination papers.** ~~No~~ *The name of a*
 4 *candidate for any office named in section 43.11 shall have his name*
 5 *not be printed on the official primary ballot of his the candidate's*
 6 *party unless nomination papers are filed as therein provided except as*
 7 *otherwise permitted by section ten (10) of this Act.*

1 SEC. 9. Section forty-three point sixteen (43.16), Code 1975, is
2 amended to read as follows:

3 **43.16 Withdrawals and additions not allowed.** A nomination
4 paper, when filed, shall not be withdrawn nor added to, nor any signa-
5 ture thereon revoked. *This section shall not be construed to prohibit*
6 *the person on whose behalf the paper was filed from withdrawing as*
7 *a candidate. However, the name of the candidate who has with-*
8 *drawn must still be printed on the ballot, unless the withdrawal oc-*
9 *curs at a time when the procedure prescribed by section ten (10) of*
10 *this Act may be used.*

1 SEC. 10. Chapter forty-three (43), Code 1975, is amended by insert-
2 ing after section forty-three point twenty-two (43.22) the following new
3 section:

4 **NEW SECTION. Death or withdrawal of primary candidate.**

5 1. When any person who has filed with the state commissioner nomi-
6 nation papers as a candidate in a primary election dies or withdraws
7 on or after the seventy-fifth day prior to the primary election, the ap-
8 propriate convention or central committee of that person's political
9 party may designate one additional primary election candidate for the
10 nomination that person was seeking, if the designation is submitted to
11 the state commissioner in writing by five o'clock p.m. on the sixtieth
12 day prior to the date of the primary election. The name of any candi-
13 date so submitted shall be included in the appropriate certificate or
14 certificates furnished by the state commissioner under section forty-
15 three point twenty-two (43.22) of the Code.

16 2. When any person who has filed with the commissioner nomination
17 papers as a candidate in a primary election dies or withdraws on or af-
18 ter the sixtieth day prior to the primary election, the appropriate con-
19 vention or central committee of that person's political party may
20 designate one additional primary election candidate for the nomina-
21 tion that person was seeking, if the designation is submitted to the
22 commissioner in writing by five o'clock p.m. on the forty-ninth day
23 prior to the primary election. The name of any candidate so submitted
24 shall be placed on the appropriate ballot or ballots by the commission-
25 er.

1 SEC. 11. Section forty-three point forty-one (43.41), Code 1975, is
2 amended to read as follows:

3 **43.41 Change or declaration of party affiliation before prima-**
4 **ry.** Any qualified elector, who, ~~having declared his party affiliation,~~
5 desires to change ~~the same~~ or declare his or her political party affil-
6 iation, may, before the close of registration for the primary election,
7 file a written declaration stating ~~his~~ the change of party affiliation
8 with the county commissioner of registration who shall enter a no-
9 tation of such change on the registration records.

1 SEC. 12. Section forty-three point forty-two (43.42), Code 1975, is
2 amended to read as follows:

3 **43.42 Change or declaration of party affiliation at polls.** Any
4 qualified elector may change or declare ~~his~~ a party affiliation at the
5 polls on election day and shall be entitled to vote at any primary elec-
6 tion. *Each elector doing so shall sign an affidavit which shall be in*
7 *substantially the following form:*

8 **CHANGE OR DECLARATION OF PARTY AFFILIATION**
9 *I do solemnly swear or affirm that I have in good faith changed*

10 *my previously declared party affiliation, or declared my party affil-*
11 *iation, and now desire to be a member of the*
12 *.....party.*

13

14 *Signature of Elector*

15

16 *Address*

17 *Approved:*

18

19 *Precinct election official*

20 Each change or declaration of a qualified elector's party affiliation so
21 received shall be reported by the precinct election officials to the com-
22 missioner of registration who shall enter a notation of the change on
23 the registration records.

1 SEC. 13. Section forty-three point forty-six (43.46), Code 1975, is
2 amended to read as follows:

3 **43.46 Delivering returns.** ~~Said~~ *The precinct election officials*
4 *shall deliver the all election register, tally sheets, certificates, enve-*
5 *lopes containing ballots, and all unused supplies, within two days by*
6 *noon of the day after the close of the polls, to the commissioner who*
7 *shall carefully preserve them and deliver the returns and envelopes*
8 *containing ballots, in the condition in which received and deliver*
9 *them, to the county board of canvassers supervisors.*

1 SEC. 14. Section forty-three point forty-nine (43.49), Code 1975, is
2 amended to read as follows:

3 **43.49 Canvass by county board.** On the Monday following the
4 primary election, the board of supervisors shall meet, open and canvass
5 the returns from each voting precinct in the county, and make ab-
6 stracts thereof, stating in words written at length:

7 1. The number of ballots cast in the county in each precinct by each
8 political party, separately, for each office.

9 2. The name of each person voted for and the number of votes given
10 to each person for each different office.

11 *If the day designated by this section for the canvass is a public*
12 *holiday, the provisions of section four point one (4.1), subsection*
13 *twenty-two (22), of the Code shall apply.*

1 SEC. 15. Section forty-three point fifty-two (43.52), Code 1975, is
2 amended to read as follows:

3 **43.52 Nominees for county office.** The nominee of each politi-
4 cal party for any office to be filled by the voters of the *entire* county,
5 *or for the office of county supervisor elected from a district within*
6 *the county, shall be the person receiving the highest number of votes*
7 *cast in the primary election by the voters of that party for the office,*
8 *and that person shall appear as the party's candidate for the office on*
9 *the general election ballot.*

10 If no candidate receives thirty-five percent or more of the votes cast
11 by voters of ~~his~~ *the candidate's* party for the office ~~he is seeking~~
12 *sought, the primary is inconclusive and the nomination shall be made*
13 *as provided by section ~~43.97~~ forty-three point seventy-eight (43.78),*
14 *subsection 1, paragraphs d and e of the Code.*

15 When two or more nominees are required, as in the case of at-large
16 elections, the nominees shall likewise be the required number of per-

17 sons who receive the greatest number of votes cast in the primary elec-
 18 tion by the voters of the nominating party, but no candidate is
 19 nominated who fails to receive thirty-five percent of the number of
 20 votes found by dividing the number of votes cast by voters of the can-
 21 didate's party for the office in question by the number of persons to be
 22 elected to that office. If the primary is inconclusive under this para-
 23 graph, the necessary number of nominations shall be made as provided
 24 by section ~~43.97~~ *forty-three point seventy-eight (43.78)*, subsection 1,
 25 *paragraphs d and e of the Code.*

1 SEC. 16. Section forty-three point fifty-three (43.53), Code 1975, is
 2 amended to read as follows:

3 **43.53 Nominees for subdivision office—write-in candi-**
 4 **dates.** The nominee of each political party for any office to be filled
 5 by the voters of any *township or other political subdivision of within*
 6 the county shall be the person receiving the highest number of votes
 7 cast in the primary election by the voters of that party for the office
 8 and that person shall appear as the party's candidate for the office on
 9 the general election ballot. A person whose name is not printed on the
 10 official primary ballot shall not be declared nominated as a candidate
 11 *for such office* in the general election unless ~~he~~ *that person* receives
 12 the greater of at least five votes or a number of votes equal to at least
 13 five percent of the votes cast in the subdivision at the last preceding
 14 general election for the party's candidate for president of the United
 15 States or for governor, as the case may be. *Nomination of a candi-*
 16 *date for the office of county supervisor elected from a district with-*
 17 *in the county shall be governed by section forty-three point fifty-two*
 18 *(43.52) of the Code, and not by this section.*

1 SEC. 17. Section forty-three point fifty-five (43.55), Code 1975, is
 2 amended to read as follows:

3 **43.55 Nominee certified.** The ~~said canvassing~~ board of supervi-
 4 sors shall separately prepare and certify a list of the candidates of
 5 each party so nominated. It shall deliver to the ~~chairman~~ *chairperson*
 6 of each party central committee for the county a copy of the list of
 7 candidates nominated by ~~the~~ *that party he* represents; and shall also
 8 certify and deliver to ~~such chairman~~ *the chairperson* a list of the of-
 9 fices to be filled by the voters of ~~a~~ *the* county for which no candidate
 10 of ~~his~~ *that party* was nominated ~~because of the failure of any candi-~~
 11 ~~date for any such office to receive the legally required number of~~
 12 ~~votes,~~ together with the names of *all of* the candidates for each of ~~such~~
 13 *these offices who were* voted for at the primary election and the num-
 14 ber of votes received by each of such candidates.

1 SEC. 18. Section forty-three point sixty (43.60), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:

3 The county board of ~~canvassers~~ *supervisors* shall also make a sepa-
 4 rate abstract of the canvass as to the following offices and certify to
 5 the same and forthwith forward it to the state commissioner, viz:

1 SEC. 19. Section forty-three point sixty-two (43.62), unnumbered
 2 paragraph one (1), Code 1975, is amended to read as follows:

3 The published proceedings of the ~~canvassing~~ board of *supervisors*
 4 *relative to the canvass* shall be confined to a brief statement of:

1 SEC. 20. Section forty-three point sixty-five (43.65), Code 1975, is
 2 amended to read as follows:

3 **43.65 Who nominated.** The candidate of each political party for
 4 nomination for each office to be filled by the voters of the entire state,

5 and for each seat in the United States house of representatives, the
 6 Iowa house of representatives and each seat in the Iowa senate which is
 7 to be filled, who receives the highest number of votes cast by the voters
 8 of that party for that nomination shall be the candidate of that party
 9 for that office in the general election. However, if there are more than
 10 two candidates for any nomination and none of the candidates receives
 11 thirty-five percent or more of the votes cast by voters of ~~his~~ *that* party
 12 for that nomination, the primary is inconclusive and the nomination
 13 shall be made as provided by section ~~43.101~~ *forty-three point seventy-*
 14 *eight (43.78)*, subsection 1, ~~or section 43.109, subsection 1 paragraph a,~~
 15 *b or c*, whichever is appropriate.

1 SEC. 21. Section forty-three point sixty-six (43.66), Code 1975, is
 2 amended to read as follows:

3 **43.66 Write-in candidates.** The fact that the candidate who re-
 4 ceives the highest number of votes cast for any party's nomination for
 5 an office to which section 43.52 or 43.65 is applicable is a person whose
 6 name was not printed on the official primary election ballot shall not
 7 affect the validity of the person's nomination as a candidate for that
 8 office in the general election. However, if there is no candidate on the
 9 official primary ballot of a political party for nomination to a particu-
 10 lar office, a write-in candidate may obtain the party's nomination to
 11 that office in the primary if the candidate receives a number of votes
 12 equal to at least thirty-five percent of the total vote cast for all of that
 13 party's candidates for that office in the last preceding primary election
 14 for which the party had candidates on the ballot for that office. When
 15 two or more nominees are required, the division procedure prescribed
 16 in section 43.52 shall be applied to establish the minimum number of
 17 write-in votes necessary for nomination. If the primary is inconclusive,
 18 the necessary nominations shall be made in accordance with section
 19 ~~43.97, 43.101, or 43.109, whichever is applicable~~ *forty-three point*
 20 *seventy-eight (43.78), subsection one (1) of the Code.*

1 SEC. 22. Section forty-three point sixty-nine (43.69), Code 1975, is
 2 amended to read as follows:

3 **43.69 Certificates in case of failure to nominate.** Said state
 4 board shall, at once after completing its canvass, prepare separate cer-
 5 tificates for each political party as to each office for which no candi-
 6 date was nominated ~~because of the failure of any candidate for any~~
 7 ~~such office to receive the legally required number of votes cast by such~~
 8 ~~party for such office.~~ Such certificates shall show the names of the sev-
 9 eral candidates for each of ~~such~~ *these* offices ~~who were~~ voted for at the
 10 primary election and the number of votes received by each of said candi-
 11 dates. *These certificates shall be sent to the respective chairper-*
 12 *sons of the state central committee of each political party.*

1 SEC. 23. Section forty-three point seventy-six (43.76), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **43.76 Withdrawal of nominated candidates.**

5 1. A candidate nominated in a primary election for any office for
 6 which nomination papers are required to be filed with the state com-
 7 missioner may withdraw as a nominee for that office on or before, but
 8 not later than, the seventy-fifth day prior to the date of the general
 9 election by so notifying the state commissioner in writing.

10 2. A candidate nominated in a primary election for any office for
 11 which nomination papers are required to be filed with the commission-
 12 er may withdraw as a nominee for that office on or before, but not

13 later than, the sixtieth day prior to the date of the general election by
14 so notifying the commissioner in writing.

1 SEC. 24. Section forty-three point seventy-seven (43.77), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **43.77 What constitutes a ballot vacancy.** A vacancy on the gen-
5 eral election ballot exists when any political party lacks a candidate
6 for an office to be filled at the general election because:

7 1. No person filed under section forty-three point eleven (43.11) of
8 the Code as a candidate for the party's nomination for that office in
9 the primary election, or all persons who filed under section forty-three
10 point eleven (43.11) of the Code as candidates for the party's nomina-
11 tion for that office in the primary election subsequently withdrew as
12 candidates, were found to lack the requisite qualifications for the office
13 or died before the date of the primary election, and no candidate re-
14 ceived a sufficient number of write-in votes to be nominated.

15 2. The primary election was inconclusive as to that office because no
16 candidate for the party's nomination for that office received the num-
17 ber of votes required by section forty-three point fifty-two (43.52),
18 forty-three point fifty-three (43.53) or forty-three point sixty-five
19 (43.65) of the Code, whichever is applicable.

20 3. The person nominated in the primary election as the party's can-
21 didate for that office subsequently withdrew as permitted by section
22 forty-three point seventy-six (43.76) of the Code, was found to lack the
23 requisite qualifications for the office, or died, at a time not later than
24 the seventy-fifth day before the date of the general election in the case
25 of an office for which nomination papers must be filed with the state
26 commissioner and not later than the sixtieth day before the date of the
27 general election in the case of an office for which nomination papers
28 must be filed with the county commissioner.

29 4. A vacancy has occurred in the office of senator in the congress of
30 the United States, lieutenant governor, secretary of state, auditor of
31 state, treasurer of state, secretary of agriculture or attorney general,
32 under the circumstances described in section four (4) of this Act, less
33 than seventy-five days before the primary election and not less than
34 seventy-five days before the general election, or in the office of county
35 supervisor or any of the offices listed in section thirty-nine point seven-
36 teen (39.17) of the Code, under the circumstances described in section
37 five (5) of this Act, less than sixty days before the primary election and
38 not less than sixty days before the general election.

1 SEC. 25. Section forty-three point seventy-eight (43.78), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **43.78 Filling ballot vacancies.**

5 1. A vacancy on the general election ballot may be filled by the po-
6 litical party in whose ticket the vacancy exists, as follows:

7 a. For senator in the congress of the United States or any office list-
8 ed in section thirty-nine point nine (39.9) of the Code, by the party's
9 state convention, which may be reconvened by the state party chairper-
10 son if the vacancy occurs after the convention has been held or too late
11 to be filled at the time it is held. However, a vacancy so occurring with
12 respect to the offices of secretary of state, auditor of state, treasurer of
13 state or secretary of agriculture may be filled by the party's state cen-
14 tral committee in lieu of reconvening the state convention.

15 b. For representative in the congress of the United States, by the

16 party's congressional district convention, which may be convened or re-
 17 convened as appropriate by the state party chairperson.

18 c. For senator or representative in the general assembly, by the party
 19 precinct committee members whose precincts lie within the senatorial
 20 or representative district involved, who shall be convened or
 21 reconvened as appropriate by the state party chairperson. The party's
 22 state constitution or bylaws may allow the voting strength of each pre-
 23 cinct represented at such a convention to be made proportionate to the
 24 vote cast for the party's candidate for the office in question in the re-
 25 spective precincts at the last general election for that office.

26 d. For any office to be filled by the voters of an entire county, by
 27 the party's county convention, which may be reconvened by the county
 28 party chairperson if the vacancy occurs after the convention has been
 29 held or too late to be filled at the time it is held.

30 e. For the office of county supervisor elected by the voters of a dis-
 31 trict within the county, by the delegates to the party's county conven-
 32 tion who represent the precincts lying within that district, who shall be
 33 convened or reconvened as appropriate by the county party chairper-
 34 son.

35 f. For any partisan city office for which candidates are nominated
 36 under this chapter, by the party's city central committee or, in the case
 37 of an officer elected by the voters of a district within the city, by those
 38 members of the committee who represent the precincts lying within
 39 that district.

40 g. For any other partisan office filled by the voters of a subdivision
 41 of a county, by those members of the party's county central committee
 42 who represent the precincts lying within that district, who shall be con-
 43 vened or reconvened as appropriate by the county party chairperson.

44 2. The name of any candidate designated to fill a vacancy on the
 45 general election ballot in accordance with subsection one (1), para-
 46 graphs a, b or c of this section shall be submitted in writing to the state
 47 commissioner not later than five o'clock p.m. on the sixty-seventh day
 48 prior to the date of the general election.

49 3. The name of any candidate designated to fill a vacancy on the
 50 general election ballot in accordance with subsection one (1), para-
 51 graphs d, e, f or g of this section shall be submitted in writing to the
 52 commissioner not later than five o'clock p.m. on the fifty-fifth day
 53 prior to the date of the general election.

1 SEC. 26. Section forty-three point seventy-nine (43.79), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **43.79 Death of candidate after time for withdrawal.** The death
 5 of a candidate nominated as provided by law for any office to be filled
 6 at a general election, during the period beginning on the seventy-
 7 fourth day before the general election, in the case of any candidate
 8 whose nomination papers were filed with the state commissioner, or be-
 9 ginning on the fifty-ninth day before the general election, in the case
 10 of any candidate whose nomination papers were filed with the commis-
 11 sioner, and ending on the last day before the general election shall not
 12 operate to remove the deceased candidate's name from the general
 13 election ballot. If the deceased candidate was seeking the office of sen-
 14 ator or representative in the congress of the United States, governor,
 15 lieutenant governor, attorney general, senator or representative in the
 16 general assembly or county supervisor, section seventy-five (75) of this
 17 Act shall control. If the deceased candidate was seeking any other of-
 18 fice, and as a result of the candidate's death a vacancy is subsequently
 19 found to exist, the vacancy shall be filled as provided by chapter sixty-
 20 nine (69) of the Code.

1 SEC. 27. Section forty-three point eighty (43.80), Code 1975, is
2 amended to read as follows:

3 **43.80 Vacancies in nominations of presidential elec-**
4 **tors.** Vacancies in nominations of presidential electors shall be filled
5 by the party central committee for the state. *The party central com-*
6 *mittee may at any time nominate alternate presidential electors to*
7 *serve if the nominated or elected presidential electors are for any*
8 *reason unable to perform their duties.*

1 SEC. 28. Chapter forty-three (43), Code 1975, is amended by insert-
2 ing after section forty-three point ninety-two (43.92) the following new
3 section:

4 **NEW SECTION. Place of holding caucus.** Each precinct caucus
5 shall be held in a building which is publicly owned or is suitable for
6 and from time to time made available for holding public meetings
7 wherever it is possible to do so.

1 SEC. 29. Section forty-three point ninety-seven (43.97), Code 1975,
2 is amended by striking subsections one (1), two (2), three (3) and five
3 (5) and inserting in lieu thereof the following new subsections, and by
4 renumbering the remaining subsection accordingly.

5 **NEW SUBSECTION.** Make nominations to fill vacancies on the general
6 election ballot as provided by law.

7 **NEW SUBSECTION.** Transact such other business as required or per-
8 mitted by the political party's state constitution or bylaws, or the rules
9 of the convention.

1 SEC. 30. Section forty-three point ninety-nine (43.99), Code 1975, is
2 amended to read as follows:

3 **43.99 Party committee persons.** Two members of the county
4 central committee for each political party shall, at the precinct caucus-
5 es, be elected from each precinct. The term of office of a member shall
6 begin ~~immediately following the adjournment of the county conven-~~
7 ~~tion~~ *at the time specified by the party's state constitution or bylaws*
8 *and shall continue for two years and until his or her successor is elected*
9 *and qualified, unless sooner removed by the county central committee*
10 *for inattention to duty or incompetency. The party's state constitu-*
11 *tion or bylaws may permit the election of additional central com-*
12 *mittee members from each precinct in a number proportionate to*
13 *the vote cast for the party's candidates for office in the respective*
14 *precincts at preceding general elections.*

1 SEC. 31. Section forty-three point one hundred (43.100), Code 1975,
2 is amended to read as follows:

3 **43.100 Central committee—duties.** The county central commit-
4 tee shall organize ~~on~~ *within ten days before or after the day of the*
5 *county convention, immediately following the same. Each member*
6 *elected to the county central committee shall receive written notice*
7 *at least five days in advance of the time and place of the organiza-*
8 *tional meeting.*

9 Every county central committee shall adopt a constitution and by-
10 laws which shall govern the committee's operation. A copy of the con-
11 stitution and bylaws so adopted shall be kept on file at the office of
12 the commissioner for the county in which the central committee exists
13 and at the office of the state commissioner. Amendments to a county
14 central committee's constitution or bylaws shall upon adoption be filed
15 in the same manner as the original documents.

16 Vacancies in such committee may be filled by majority vote of the
17 committee, *or at a precinct caucus called pursuant to the party's*
18 *state constitution or bylaws.*

1 SEC. 32. Section forty-three point one hundred one (43.101), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

- 4 **43.101 District conventions.** Each political party may hold a
5 congressional district convention upon the call of the state party chair-
6 person to:
7 1. Elect or nominate members of the party's state central committee.
8 2. Make nominations to fill vacancies on the general election ballot
9 as provided by law.
10 3. Transact such other business as required or permitted by the par-
11 ty's state constitution or bylaws, or the rules of the convention.

1 SEC. 33. Section forty-three point one hundred eight (43.108), Code
2 1975, is amended to read as follows:

- 3 **43.108 Organization—proxies prohibited.** The convention shall
4 be called to order by the ~~chairman~~ *chairperson* of the state central
5 committee, *or that individual's designee*, who shall thereupon present
6 a list of delegates, as certified by the various county conventions, and
7 effect a temporary organization. If any county shall not be fully repre-
8 sented, the delegates present from such county shall cast the full vote
9 thereof if the rules of the convention, party bylaws or constitution so
10 allow, and there shall be no proxies.

1 SEC. 34. Section forty-three point one hundred nine (43.109), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

- 4 **43.109 Nominations authorized.** The state convention may
5 make nominations to fill vacancies on the general election ballot as
6 provided by law.

1 SEC. 35. Section forty-three point one hundred fifteen (43.115),
2 Code 1975, is amended by adding the following new unnumbered para-
3 graph:

- 4 NEW UNNUMBERED PARAGRAPH. A candidate for precinct committee
5 member may also file as a candidate for one additional office, any
6 statute to the contrary notwithstanding.

1 SEC. 36. Section forty-three point one hundred twenty-one (43.121),
2 Code 1975, is amended to read as follows:

- 3 **43.121 Nominations by petition or nonparty organiza-**
4 **tions.** This chapter shall not be construed to prohibit nomination of
5 candidates for office by petition, or by nonparty organizations, as
6 hereafter provided in ~~this title~~ *chapters forty-four (44) and forty-five*
7 *(45) of the Code*, but no person so nominated shall be permitted to use
8 the name, or any part thereof, of any political party authorized or en-
9 titled under this chapter to nominate a ticket by primary vote, or that
10 has nominated a ticket by primary vote under this chapter.

1 SEC. 37. Section forty-four point three (44.3), Code 1975, is amend-
2 ed to read as follows:

- 3 **44.3 Certificate.** ~~Said~~ *The certificate required by section forty-*
4 *four point two (44.2) of the Code shall state:*
5 1. *State the following information:*
6 1 a. The name of each candidate nominated.
7 2 b. The office to which each candidate is nominated.
8 3 c. The name of the political organization making such nomina-
9 tion, expressed in not more than five words.
10 4 d. The place of residence of each nominee, with the street or num-
11 ber thereof, if any.

12 5 e. In case of presidential electors, the names of the candidates for
13 president and vice president shall be added to the name of the organi-
14 zation.

15 6 f. The name and address of each member of the organization's ex-
16 ecutive or central committee.

17 7 g. The provision, if any, made for filling vacancies in nomina-
18 tions.

19 8 h. The name and address of each delegate or voter in attendance
20 at a convention or caucus where a nomination is made.

21 2. *Be accompanied by an affidavit executed by the candidate*
22 *nominated by the convention or caucus, in substantially the follow-*
23 *ing form:*

24 "I,....., being duly sworn, say that I reside at
25street, city of....., county of....., in the
26 state of Iowa; that I am a candidate for election to the office
27 of.....at the election to be held on....., as the candi-
28 date of the.....(name of political organization) and hereby
29 request that my name be so printed upon the official ballot for that
30 election as provided by law. I furthermore declare that I am eligible
31 to the office for which I am a candidate and that if I am elected I
32 will qualify as such officer.

33 (Signed)
34 Subscribed and sworn to (or affirmed) before me by
35 on this.....day of....., 19.....

36
37 (Name)
38
39 (Official title)"

1 SEC. 38. Section forty-four point nine (44.9), unnumbered para-
2 graph one (1), Code 1975, is amended to read as follows:

3 Any candidate named under this chapter ~~or chapter 43~~ may with-
4 draw his or her nomination by a written request, signed and acknowl-
5 edged by ~~him~~ that person before any officer empowered to take
6 acknowledgment of deeds. Such withdrawal must be filed as follows:

1 SEC. 39. Section forty-four point fourteen (44.14), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **44.14 Filing of certificates.** Certificates of nominations made to
5 fill vacancies, as required by section forty-four point thirteen (44.13) of
6 the Code, shall be filed with the officer designated and at the time re-
7 quired by section forty-four point eleven (44.11) of the Code. In the
8 case of a special election to fill a vacancy in an office for which nomi-
9 nation papers must be filed with the state commissioner, such certifi-
10 cates must be filed with the state commissioner not less than fifteen
11 days before the date of the special election. In the case of a special
12 election to fill a vacancy in an office for which nomination papers
13 must be filed with an officer other than the state commissioner, such
14 certificates must be filed with the appropriate officer not less than
15 twelve days before the date of the special election.

1 SEC. 40. Section forty-five point two (45.2), Code 1975, is amended
2 to read as follows:

3 **45.2 Adding name by petition.** The name of a candidate placed
4 upon the ballot by any other method than by petition shall not be
5 added by petition for the same office *in the same election.*

1 SEC. 41. Section forty-five point three (45.3), Code 1975, is amend-
2 ed by striking the section and inserting in lieu thereof the following:

3 **45.3 Preparation of petition and affidavit.** Each eligible elector
4 who signs a nominating petition drawn up in accordance with this
5 chapter shall add to the signature his or her residence address and the
6 date of signing. The person whose nomination is proposed by the peti-
7 tion may not sign it. Before the petition is filed, there shall be en-
8 dorsed upon or attached to it:

9 1. The affidavit of at least one of the signers of the petition, stating
10 that each of the persons who signed the petition did so voluntarily and
11 is an eligible elector of the state, as defined by section thirty-nine
12 point three (39.3) of the Code, who is (or would be, if registered) enti-
13 tled to vote for the candidate nominated by the petition; and

14 2. An affidavit executed by that candidate, in substantially the fol-
15 lowing form:

16 "I,, being duly sworn, say that I reside
17 at.....street, city of....., county of....., in the
18 state of Iowa; that I am a candidate for election to the office
19 of....., at the election to be held on, and hereby re-
20 quest that my name be printed upon the official ballot for that elec-
21 tion as provided by law. I furthermore declare that I am eligible to the
22 office for which I am a candidate and that if I am elected I will quali-
23 fy as such officer.

24 (Signed)

25 Subscribed and sworn to (or affirmed) before me by.....
26 on this..... day of, 19.....

27
28 (Name)

29
30 (Official title)"

1 SEC. 42. Section forty-seven point one (47.1), Code 1975, is amend-
2 ed to read as follows:

3 **47.1 State commissioner of elections.** The secretary of state is
4 designated as the state commissioner of elections and shall supervise
5 the activities of the county commissioners of elections. There is estab-
6 lished within the office of the secretary of state a division of elections
7 which shall be under the direction of the state commissioner of elec-
8 tions. The state commissioner of elections may appoint a person to be
9 in charge of the division of elections who shall perform such duties as
10 may be assigned to ~~him~~ by the state commissioner of elections. The
11 state commissioner of elections shall prescribe uniform election prac-
12 tices and procedures ~~and~~, shall prescribe the necessary forms required
13 for voter registration and the conduct of elections: ~~The state commis-~~
14 ~~sioner of elections may, and shall~~ adopt rules, pursuant to chapter
15 17A, to carry out the provisions of this section.

1 SEC. 43. Section forty-seven point two (47.2), Code 1975, is amend-
2 ed by striking unnumbered paragraphs three (3) and five (5).

1 SEC. 44. Chapter forty-seven (47), Code 1975, is amended by add-
2 ing the following new section:

3 **NEW SECTION. Dates for special elections.**

4 1. The governing body of any political subdivision which has autho-
5 rized a special election to which section thirty-nine point two (39.2) of
6 the Code is applicable shall by written notice inform the commissioner
7 who will be responsible for conducting the election of the proposed
8 date of the special election. The notice shall be given at least thirty

9 days in advance of that proposed date. Upon receiving the notice, the
 10 commissioner shall promptly give written approval of the proposed
 11 date unless it appears that the special election, if held on that date,
 12 would conflict with a regular election or with another special election
 13 previously scheduled for that date.

14 2. For the purpose of this section, a conflict between two elections
 15 exists only when one of the elections would require use of precinct
 16 boundaries which differ from those to be used for the other election, or
 17 when some but not all of the qualified electors of any precinct would
 18 be entitled to vote in one of the elections and all of the qualified elec-
 19 tors of the same precinct would be entitled to vote in the other elec-
 20 tion. Nothing in this subsection shall deny a commissioner
 21 discretionary authority to approve holding a special election on the
 22 same date as another election, even though the two elections may be
 23 defined as being in conflict, if the commissioner concludes that to do
 24 so will cause no undue difficulties.

1 SEC. 45. Section forty-eight point one (48.1), Code 1975, is amend-
 2 ed to read as follows:

3 **48.1 Commissioner of registration.** The commissioner of elec-
 4 tions of each county is designated the commissioner of registration for
 5 that county. ~~He~~, and may designate the city clerk of any city in the
 6 county, ~~or the secretary of the board of directors of any school dis-~~
 7 ~~trict which has its office in that county,~~ as a deputy commissioner of
 8 registration who shall be responsible for voter registration, subject to
 9 the supervision of the county commissioner. ~~The commissioner of reg-~~
 10 ~~istration or an employee of the commissioner of registration may~~
 11 ~~visit each high school located in the county, during the month of~~
 12 ~~May of each year, and offer to register any person who is eligible~~
 13 ~~under section forty-eight point two (48.2) of the Code to be regis-~~
 14 ~~tered.~~

1 SEC. 46. Section forty-eight point two (48.2), Code 1975, is amend-
 2 ed to read as follows:

3 **48.2 Who may register.** Any person who is an eligible elector
 4 may register to vote ~~with~~ ~~by personally submitting a completed voter~~
 5 ~~registration form to the commissioner of registration or a deputy com-~~
 6 ~~missioner of registration in the elector's county of his residence. Any~~
 7 ~~person who is an eligible elector in all respects except that he has not~~
 8 ~~attained the age of eighteen may, at any time during the six months~~
 9 ~~next preceding his or her eighteenth birthday, register to vote in the~~
 10 ~~county of his or her residence. When a person less than eighteen years~~
 11 ~~of age registers, the commissioner shall affix to the receipt of main-~~
 12 ~~tain a record of the registration, issued as provided by section 48.6, a~~
 13 ~~date which shall be so as to clearly indicate that it will not take ef-~~
 14 ~~fect until the registrant's eighteenth birthday and the receipt shall~~
 15 ~~state on its face that the person is registered and qualifies to vote in~~
 16 ~~any election held on or after the that date affixed to the registration~~
 17 ~~receipt.~~

1 SEC. 47. Chapter forty-eight (48), Code 1975, is amended by insert-
 2 ing after section forty-eight point two (48.2) the following new section:

3 **NEW SECTION. Registration by mail.** As an alternative to the
 4 method of registration prescribed by section forty-eight point two (48.2)
 5 of the Code, any person entitled to register under that section may
 6 submit a completed voter registration form to the commissioner of reg-
 7 istration in the person's county of residence by United States mail,
 8 postage paid. A registration form shall be postmarked by the twenty-

9 fifth day prior to an election or the registration will not take effect for
 10 that election. Within five working days after receiving a registration by
 11 mail, the commissioner shall send the registrant a receipt of the regis-
 12 tration by first class mail marked "do not forward". If the receipt is re-
 13 turned by the postal service the commissioner shall treat the
 14 registration as prescribed by section forty-eight point thirty-one (48.31),
 15 subsection eight (8) of the Code. An improperly addressed or delivered
 16 registration form shall be forwarded to the appropriate county commis-
 17 sioner of registration within two working days after it is received by
 18 any other official.

1 SEC. 48. Section forty-eight point four (48.4), Code 1975, is amend-
 2 ed to read as follows:

3 **48.4 Commissioner of registration—duties.** The commissioner
 4 of registration shall have complete charge of the registration of all
 5 ~~qualified voters~~ *eligible electors* within the county. ~~He,~~ *and* shall ap-
 6 point such deputies and clerks as may be necessary, from the two polit-
 7 ical parties receiving the highest vote at the last general election. The
 8 number of such deputies and clerks for all precinct registration places,
 9 and the central registration office, shall be equally divided between the
 10 members of the two said political parties. These appointments shall be
 11 subject to the approval of the county board of supervisors. The com-
 12 missioner of registration shall provide such printed forms and blanks as
 13 may be necessary, together with such other supplies and equipment as
 14 are necessary to properly carry out the provisions of this chapter. Reg-
 15 istration places shall be established throughout the cities and ~~counties~~
 16 *county*.

1 SEC. 49. Section forty-eight point five (48.5), Code 1975, is amend-
 2 ed to read as follows:

3 **48.5 Registration records.**

4 1. The county commissioner of registration shall safely maintain at
 5 his *or her* office or other designated locations the original registration
 6 records of all qualified electors in ~~his~~ *the* county. The original registra-
 7 tion records shall not be removed from ~~his~~ *that* office or other des-
 8 ignated locations except upon court order. ~~One copy of the original~~
 9 ~~registration records which includes the elector's name, address, pre-~~
 10 ~~inct, and party affiliation shall be prepared before the primary elec-~~
 11 ~~tion and on August 1 preceding the general election, upon request and~~
 12 ~~without charge, for the county chairman of each political party. The~~
 13 ~~county commissioner of registration shall, each week, upon demand~~
 14 ~~and without charge, from August 1 until October 1, prior to the general~~
 15 ~~election and each day thereafter until the close of registration, provide~~
 16 ~~the county chairman of each political party a list of electors who have~~
 17 ~~registered since the last such list was provided. Additional copies may~~
 18 ~~be provided to political parties at cost. Duplicate registration records~~
 19 ~~shall be open to inspection by the public at reasonable times.~~

20 2. *Any person may request of the commissioner and shall receive,*
 21 *upon payment of the cost of preparation, a list of all qualified elec-*
 22 *tors in the county, in accordance with the following requirements*
 23 *and limitations:*

24 *a. The commissioner shall draw up each list in the order and*
 25 *form specified by the requestor, so long as that order and form are*
 26 *within the capability of the record maintenance system used by the*
 27 *commissioner.*

28 *b. Each list shall reflect all additions, changes and deletions*
 29 *made prior to the fifth day before the list was prepared.*

30 c. The commissioner shall not be required to provide lists during
 31 the fifteen days prior to the date of any election in any order or
 32 form other than that utilized to conduct the election, if the prepara-
 33 tion of a list in any other order or form requested would impede the
 34 preparation of the election registers for that election.

35 d. The county chairperson of each political party, as defined in
 36 section forty-eight point four (48.4) of the Code, may request and
 37 shall receive without charge three lists during the two-year period
 38 prior to each general election, in the order and form requested. The
 39 lists requested under this paragraph shall be delivered on or before
 40 the date specified by the requestor, if the requestor gives the com-
 41 missioner at least thirty days advance notice of that date and the
 42 timing of the request and the order and form specified do not con-
 43 flict with the restrictions of paragraph a or c of this subsection.

44 e. The commissioner shall upon request provide, to any person
 45 who has within the previous year obtained a list of all qualified
 46 electors in the county under this section, a periodic updating of the
 47 registration lists showing all additions, changes and deletions since
 48 the previous updating of the registration list. The updated list shall
 49 be provided at least once each fourteen days except during the two
 50 weeks prior to the close of registration before any election, when it
 51 shall be provided daily. Each requestor under this paragraph shall
 52 receive the updating data at the same time and in the same order
 53 and form, which shall be determined by the commissioner. Each
 54 requestor, except those who obtained the initial list of qualified elec-
 55 tors under paragraph d of this subsection, shall pay the cost of du-
 56 plicating the updating data before receiving a copy thereof.

57 3. ~~Such lists shall not~~ Neither the duplicate registration records
 58 open to public inspection nor any list obtained under subsection
 59 two (2) of this section shall be used for any ~~commercial purpose, ad-~~
 60 ~~vertising, or solicitation,~~ of any kind or nature, other than to request
 61 ~~such person's~~ a registrant's vote at a primary or general election, or
 62 any other bona fide political purpose. The commissioner shall keep a
 63 list of the name, address, telephone number, and social security num-
 64 ber of each person who copies or ~~duplicates~~ such obtains copies of the
 65 registration lists. Any person that uses such lists in violation of this
 66 section shall, upon conviction, be imprisoned in the county jail, not to
 67 exceed one year, or be fined not to exceed one thousand dollars, or by
 68 both such fine and imprisonment, for each violation.

1 SEC. 50. Section forty-eight point six (48.6), Code 1975, is amended
 2 to read as follows:

3 **48.6 Form of records.** The registration forms shall be large
 4 enough to contain the necessary information required in legible writ-
 5 ing, and shall be suitable for mailing. The registration form shall re-
 6 quire the following information to be provided:

7 1. The name of the applicant in full. ~~Whenever any change of name~~
 8 ~~shall occur,~~ the registrant shall not be allowed to vote until the regis-
 9 ~~trant has registered,~~ and after such reregistration the previous registra-
 10 ~~tion record shall be removed from the files.~~ Where the only change in
 11 the previous registration information is a legal change of surname, the
 12 registrant may effect the reregistration required by this subsection by
 13 mailing the county commissioner a written notice stating in full both
 14 the name under which the registrant was previously registered and the
 15 name under which the registrant is now to be registered, and the regis-
 16 trant's social security number, if available.

17 2. Residence, giving name and number of the street, avenue, or oth-
 18 er location of the dwelling, and such additional clear and definite de-

19 scription as may be necessary to give the exact *location of the*
 20 residence of the applicant. Post office box numbers shall not be used
 21 unless no other method of identifying the residence exists for the com-
 22 munity.

23 3. Date of birth.

24 4. Sex.

25 5. Date of registration.

26 6. Ward, precinct, school district, and such other districts in which
 27 the registrant resides which are empowered to call special elections. To
 28 assist in making this determination the commissioner may also re-
 29 quest other information including but not limited to telephone
 30 number, fire district number or township, range and section number
 31 of the location of the applicant's residence. The commissioner may
 32 if necessary obtain the needed information from other sources, but
 33 shall in no case decline to register an applicant because the appli-
 34 cant is unable to provide any of the information referred to in this
 35 subsection.

36 7. Last previous address if the registrant has resided at his present
 37 address for less than five years Name, if different than current name,
 38 and address given on applicant's last previous registration.

39 8. Party affiliation. No party affiliation need be stated if the regis-
 40 trant applicant declines to make such statement.

41 9. An affidavit in such form as prescribed by the state commissioner
 42 of elections which states that the registrant applicant is, or will be a
 43 qualified elector on the day of the next known election in any juris-
 44 diction in which the applicant resides, an eligible elector.

45 10. An expressed authorization to cancel all other registrations to
 46 vote.

47 11. The social security number of the registrant applicant, if avail-
 48 able.

49 12. The signature of registrant the applicant.

50 A receipt of registration shall be given to each registrant. If a person
 51 registers to vote while registration is closed preceding any election, the
 52 county commissioner of registration shall affix a date to the receipt
 53 which date shall be the day after the election for which registration is
 54 closed and the receipt shall state on its face that the person is regis-
 55 tered and qualifies to vote in any election held on or after the date af-
 56 fixed to the registration receipt applicant, indicating the date the
 57 registration will become effective.

1 SEC. 51. Section forty-eight point seven (48.7), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **48.7 Notice of change of name or address.** The commissioner of
 5 registration shall make available forms for use by qualified electors in
 6 giving notice of a legal change of name or a change of address within
 7 the county, or both. The notice shall provide space for the qualified
 8 elector's current name in full and the address of the exact location
 9 where he or she currently resides, the full name under which the elec-
 10 tor was previously registered, if a legal change of name has occurred,
 11 the previous residence address of the elector, if a change of address has
 12 occurred, and the elector's signature. If the commissioner of registra-
 13 tion receives written notification of a change of name or address from
 14 any qualified elector in the county and the notice does not contain the
 15 required information, the commissioner shall immediately send by for-
 16 wardable mail to the elector at his or her last known address notice
 17 that the elector's registration is defective. Upon receipt of any valid
 18 change of name or address notice, on or before the last day of registra-

19 tion before any election, the commissioner of registration shall make
 20 entry of the change, as necessary, on the original and duplicate regis-
 21 tration lists and the elector shall be qualified to vote under the new
 22 name or in the new election precinct, or both, as the case may be. If a
 23 qualified elector fails to notify the commissioner of registration of a
 24 change of legal name or of residence address before the close of regis-
 25 tration for any election the elector shall not be qualified to vote at
 26 that election, except that if a change of residence address does not re-
 27 quire printing the qualified elector's name in a different election regis-
 28 ter for that election, the qualified elector shall be allowed to vote. A
 29 precinct election official shall have such an elector complete a change
 30 of address card at the polls and shall return the card to the commis-
 31 sioner with the election supplies.

1 SEC. 52. Section forty-eight point eleven (48.11), unnumbered para-
 2 graph two (2), Code 1975, is amended to read as follows:

3 Registration shall close in a precinct at five o'clock p.m., ten days
 4 before an election, *except as provided in section forty-seven (47) of*
 5 *this Act.*

1 SEC. 53. Section forty-eight point twelve (48.12), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **48.12 Registration receipt.** A receipt of registration shall be giv-
 5 en or sent to each person who registers under this chapter. If any per-
 6 son registers to vote while registration is closed preceding any election,
 7 the commissioner shall maintain a record of the registration so as to
 8 clearly indicate that it will not take effect until the day after the elec-
 9 tion for which registration is closed and that the person is registered
 10 and qualified to vote in any election held on or after that date.

1 SEC. 54. Section forty-eight point fifteen (48.15), Code 1975, is
 2 amended to read as follows:

3 **48.15 Challenges.** Any person may challenge a registration at
 4 any time by filing a written challenge with the commissioner of regis-
 5 tration. The commissioner of registration shall immediately give five
 6 days' notice of a hearing by registered or certified mail to the challeng-
 7 er and the person challenged. If the person challenged fails to appear,
 8 his *or her* name shall be removed from the registration list. However, if
 9 the person challenged notifies the commissioner prior to the date set
 10 for the hearing ~~that he is unable~~ *of inability* to appear on the date
 11 specified, the commissioner may reschedule the hearing. At such hear-
 12 ing the commissioner shall hear such evidence as he *or she* deems to
 13 have probative value. The person challenged shall be required to sign
 14 an affidavit as provided in section 48.6, subsection ~~10~~ *nine (9)*, and
 15 may then be questioned concerning his *or her* voting residence and
 16 qualifications. In all cases the commissioner shall decide the right to
 17 the entry under the evidence. Either party may appeal to the district
 18 court of the county in which the challenge is made, and a date for the
 19 hearing shall be fixed and the decision of such court shall be final.

1 SEC. 55. Section forty-eight point twenty-seven (48.27), subsection
 2 one (1), paragraph b, Code 1975, is amended to read as follows:

3 b. Each political party shall submit a list of nominees and may re-
 4 quest not more than one person for each one thousand ~~six~~ *one* hundred
 5 residents or major fraction thereof in the county to be appointed as
 6 mobil deputy registrars.

1 SEC. 56. Section forty-eight point twenty-seven (48.27), subsection
 2 four (4), paragraph b, Code 1975, is amended to read as follows:
 3 b. Mobile deputy registrars shall register electors on registration
 4 forms provided by the county commissioner of registration. These
 5 forms shall be as prescribed by section forty-eight point six (48.6) of
 6 the Code except that they shall be numbered and accounted for by the
 7 mobile deputy registrar to the county commissioner of registration.
 8 ~~There, and that there~~ shall be provided on ~~said~~ each form a space for
 9 the ~~mobile deputy registrar's~~ signature ~~of the~~. The mobile deputy reg-
 10 istrar ~~who~~ shall sign ~~same~~ the form and identify himself or herself in
 11 the presence of the voter with appropriate identity papers or badge
 12 provided by the county commissioner of registration. The mobile depu-
 13 ty registrar shall give the voter a receipt signed by the mobile deputy
 14 registrar stating that such person is duly registered.

1 SEC. 57. Section forty-eight point twenty-seven (48.27), subsection
 2 four (4), paragraph d, Code 1975, is amended to read as follows:
 3 d. Mobile deputy registrars shall return all completed registration
 4 records at least weekly to the county commissioner of registration ex-
 5 cept that completed registration records shall be turned in at least ev-
 6 ery two working days during the last ten days of registration. All
 7 completed and unused material must be turned in no later than six
 8 o'clock on the day registration closes for the election. *The commission-*
 9 *er's office shall remain open until at least six o'clock p.m. on that*
 10 *day, unless it is a Sunday or a legal holiday.* Failure to ~~comply with~~
 11 ~~this provision~~ return registration materials as required by this para-
 12 graph shall be a misdemeanor.

1 SEC. 58. Section forty-eight point twenty-nine (48.29), Code 1975, is
 2 amended to read as follows:
 3 **48.29 Removal of registration.** The county commissioner of reg-
 4 istration who registers an elector who has changed his residence shall
 5 notify the county commissioner of registration of the registrant's former
 6 residence that the registrant has become a qualified elector at his
 7 that person's present residence. ~~The registrant shall execute an author-~~
 8 ~~ization to the county commissioner of registration of his former resi-~~
 9 ~~dence to remove the registrant's registration.~~ The county commissioner
 10 of registration of the former residence shall cause the registrant's record
 11 to be removed from his the file of valid registrations in that county.

1 SEC. 59. Section forty-nine point twelve (49.12), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:
 3 There shall be appointed in each election precinct an election board
 4 which shall ordinarily consist of five precinct election officials. How-
 5 ever, in precincts using only one voting machine at any one time, and
 6 in precincts voting by paper ballot where no more than one hundred
 7 votes were cast in the last preceding similar election, the board shall
 8 consist of three precinct election officials; and in precincts using more
 9 than two voting machines one additional precinct election official may
 10 be appointed for each such additional machine. *Double election*
 11 *boards may be appointed for any precinct as provided by chapter*
 12 *fifty-one (51) of the Code.* Not more than a simple majority of the
 13 members of the election board in any precinct, or of the two combined
 14 boards in any precinct for which a double election board is appoint-
 15 ed, shall be members of the same political party or organization if one
 16 or more qualified electors of another party or organization are quali-
 17 fied and willing to serve on the board. ~~Double election boards may be~~
 18 ~~appointed for any precinct as provided by chapter 51.~~

1 SEC. 60. Section forty-nine point thirteen (49.13), Code 1975, is
2 amended to read as follows:

3 **49.13 Commissioner to appoint members, ~~chairman~~ chairper-**
4 **son.**

5 1. The membership of each precinct election board shall be appoint-
6 ed by the commissioner, not less than fifteen days before each election
7 held in the precinct, from the election board panel drawn up as provid-
8 ed in section 49.15. *Precinct election officials shall be qualified elec-*
9 *tors of the county, or other political subdivision within which*
10 *precincts have been merged across county lines pursuant to section*
11 *forty-nine point eleven (49.11), subsection one (1), of the Code, in*
12 *which they are appointed. Preference shall be given to appointment*
13 *of residents of a precinct to serve as precinct election officials for*
14 *that precinct, but the commissioner may appoint other residents of*
15 *the county where necessary.*

16 2. Each election board member shall be a member of one of the two
17 political parties whose candidates for president of the United States or
18 for governor, as the case may be, received the largest and next largest
19 number of votes in the precinct at the last general election, except that
20 persons not members of either of these parties may be appointed to
21 serve for any election in which no candidates appear on the ballot un-
22 der the heading of either of these political parties.

23 3. In appointing the election board to serve for any election in
24 which candidates' names do appear under the heading of these politi-
25 cal parties, the commissioner shall give preference to the persons des-
26 ignated by the respective county ~~chairmen~~ chairpersons of these
27 political parties for placement on the election board panel, as provided
28 by section 49.15, in the order that they were so designated. *However,*
29 *the commissioner may for good cause decline to appoint a designee*
30 *of a county chairperson if that chairperson is notified and allowed*
31 *two working days to designate a replacement.*

32 4. The commissioner shall designate one member of each precinct
33 election board as ~~chairman~~ chairperson of that board, and also of the
34 counting board authorized by chapter 51 if one is appointed, with au-
35 thority over the mechanics of the work of both boards.

1 SEC. 61. Section forty-nine point fifteen (49.15), Code 1975, is
2 amended to read as follows:

3 **49.15 Commissioner to draw up election board panel.** Not less
4 than twenty days before each primary election, the commissioner shall
5 draw up for each precinct an election board panel from which members
6 of the precinct election board shall be appointed for each election held
7 in the precinct during the ensuing two years. Each panel shall include
8 members of each of the political parties referred to in section 49.13,
9 whose names may be designated by the county ~~chairmen~~ chairpersons
10 of each of these political parties not less than thirty days prior to each
11 primary election. The commissioner may place on the election board
12 panel names of persons known ~~to him~~ by the commissioner to be
13 members of these political parties, if the respective county ~~chairmen~~
14 chairpersons fail to designate a sufficient number of names, and may
15 also add names of persons, whether or not they are members of either
16 of these political parties, who have advised ~~him~~ the commissioner
17 they are willing to serve on the election board for elections in which no
18 candidates appear on the ballot under the heading of either of these
19 political parties, or whom either a school board or the city council of a
20 city of three thousand five hundred or less population or a school
21 board has advised the commissioner at least thirty days before each

22 primary election are willing to serve without pay at elections conduct-
 23 ed for that school district or city, as the case may be, during the tenure
 24 of the election board panel on which these names are included.

1 SEC. 62. Section forty-nine point sixteen (49.16), subsection four (4),
 2 Code 1975, is amended to read as follows:

3 4. In appointing the election board for any election conducted for
 4 ~~any school district~~ or a city of three thousand five hundred or less pop-
 5 ulation *or any school district*, the commissioner may give preference
 6 to any persons who are willing to serve without pay at those elections.

1 SEC. 63. Section forty-nine point twenty-four (49.24), Code 1975, is
 2 amended to read as follows:

3 **49.24 Schoolhouses as polling places.** In precincts outside of
 4 cities the election shall, if practicable, be held in ~~the~~ a public school
 5 building. ~~All~~ Any damage to the building or furniture *resulting from*
 6 *the election* shall be paid by the county.

1 SEC. 64. Section forty-nine point twenty-five (49.25), Code 1975, is
 2 amended to read as follows:

3 **49.25 Equipment required at polling places.**

4 1. In any county or portion of a county for which voting machines
 5 have been acquired under section 52.2 the commissioner shall deter-
 6 mine pursuant to section 49.26, in advance of each election conducted
 7 for ~~any school district~~ or a city of three thousand five hundred or less
 8 population *or any school district*, and individually for each precinct,
 9 whether voting in that election shall be by machine or by paper ballot.

10 2. *The commissioner shall furnish to each precinct where voting*
 11 *machines are to be used for any election, in advance of that elec-*
 12 *tion, one voting machine meeting the requirements of chapter fifty-*
 13 *two (52) of the Code for every three hundred voters or major frac-*
 14 *tion thereof who voted in the last preceding similar election held in*
 15 *the precinct.*

16 3. The commissioner shall furnish to each precinct where paper bal-
 17 lots are to be used *for any election, in advance of that election*, the
 18 necessary ballot boxes, suitably equipped with locks and keys, and
 19 shall insure that the number, arrangement, and construction of voting
 20 booths at the polling place in each precinct are as follows:

21 1 a. Each booth shall be at least three feet square, and have three
 22 sides enclosed, the side in front to open and shut by a door swinging
 23 outward, or closed with a curtain.

24 2 b. Each side of the booth shall be seven feet high, and the door or
 25 curtain shall extend to within two feet of the floor, and shall be closed
 26 while the voter is preparing his ballot.

27 3 c. Each booth shall contain a shelf at least one foot wide, at a
 28 convenient height for writing, and shall be well lighted.

29 4 d. The numbering* of voting booths shall not be less than one to
 30 every three hundred voters or major fraction thereof who voted at the
 31 last preceding similar election in the precinct.

32 5 e. The booths shall be so built and arranged, if possible, as to be
 33 permanent, so that after the election they may be taken down and de-
 34 posited with the commissioner or his *or her* designee for safekeeping
 35 and for future use.

*According to enrolled Act

1 SEC. 65. Section forty-nine point twenty-six (49.26), Code 1975, is
2 amended to read as follows:

3 **49.26 Commissioner to decide method of voting.** When voting
4 machines are available for an election precinct, the commissioner shall
5 determine in advance of each election conducted for ~~any school district~~
6 ~~or~~ a city of three thousand five hundred or less population ~~or any~~
7 *school district* in which voting occurs in that precinct whether voting
8 there shall be by machine or paper ballot. If the commissioner con-
9 cludes, on the basis of voter turnout for recent similar elections and
10 factors considered likely to affect voter turnout for the forthcoming
11 election, that voting will probably be so light as to make preparation
12 and use of paper ballots less expensive than preparation and use of a
13 voting machine, paper ballots shall be used.

1 SEC. 66. Section forty-nine point twenty-eight (49.28), Code 1975, is
2 amended to read as follows:

3 **49.28 Commissioner to furnish registers and supplies.** The
4 commissioner shall prepare and furnish to each precinct an election
5 register, and all other books, blanks, materials, and supplies necessary
6 to carry out the provisions of this chapter. Voter registration records
7 shall be kept so that the election register for each precinct contains the
8 names of ~~no electors except those eligible to vote in that precinct.~~
9 When a precinct lies in more than one political subdivision or district
10 from which any officer is elected, the election register must clearly in-
11 dicate who are the ~~eligible~~ *qualified* electors of each political subdivi-
12 sion or district in which the precinct lies. ~~The election register does not~~
13 ~~need to indicate the eligible electors of,~~ *including* school director dis-
14 tricts.

1 SEC. 67. Section forty-nine point thirty-one (49.31), Code 1975, is
2 amended to read as follows:

3 **49.31 Arrangement of names on ballot.**

4 1. All nominations of any political party or group of petitioners, ex-
5 cept as provided in section 49.30, shall be placed under the party name
6 or title of such party or group, as designated by them in their certifi-
7 cates of nomination or petitions, or if none be designated, then under
8 some suitable title, and the ballot shall contain no other names, except
9 as provided in section 49.32.

10 2. The commissioner shall prepare a list of the election precincts of
11 ~~his~~ *the* county, by arranging the various townships and cities in the
12 county in alphabetical order, and the wards or precincts in each city or
13 township in numerical order under the name of such city or township.
14 ~~He~~ *The commissioner* shall then arrange the surnames of each politi-
15 cal party's candidates for ~~such offices each office to which two or~~
16 ~~more persons are to be elected at large~~ *alphabetically* for the respec-
17 tive offices for the first precinct on the list; thereafter, for each politi-
18 cal party and for each succeeding precinct, the names appearing first
19 for the respective offices in the last preceding precinct shall be placed
20 last, so that the names that were second before the change shall be first
21 after the change. The procedure for arrangement of names on ballots
22 provided in this section shall likewise be substantially followed in elec-
23 tions in political subdivisions of less than a county.

24 3. The ballots for any city elections or school elections, or any spe-
25 cial election at which any office is to be filled on a nonpartisan basis
26 shall contain the names of all nominees or candidates arranged in al-
27 phabetical order by surname under the heading of the office to be
28 filled. When a city election, school election or special election to fill an
29 office is held in more than one precinct, the candidates' names shall be

30 rotated on the ballot from precinct to precinct in the manner prescribed
31 by ~~the preceding* paragraph subsection two (2)~~ of this section.

32 4. If electors in any precinct are entitled to vote for more than one
33 nominee or candidate for a particular office, the heading for that of-
34 fice on the precinct ballot shall be immediately followed by a notation
35 of the number of nominees or candidates for that office for whom each
36 elector may vote. Provision shall be made on the ballot to allow the
37 elector to write in the name of any person for whom he *or she* desires
38 to vote for any office or nomination on the ballot.

1 SEC. 68. Section forty-nine point thirty-five (49.35), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.35 Order of arranging tickets on ballot.** Each list of candi-
5 dates nominated by a political party or a group of petitioners shall be
6 termed a ticket. Each ticket shall be placed in a separate vertical col-
7 umn or horizontal row on the ballot, in the order determined pursuant
8 to section forty-nine point thirty-seven (49.37) of the Code by the au-
9 thorities charged with the printing of the ballots. However, if a total of
10 more than seven tickets are to be placed on the ballot the state com-
11 missioner may authorize a method of placement in which the groups of
12 petitioners are not all placed in separate individual columns or rows.

1 SEC. 69. Section forty-nine point thirty-seven (49.37), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.37 Columns or rows to be separated.**

5 1. Each column or row containing a ticket or tickets, each preceded
6 by the name of a political party or a group of petitioners, shall be sep-
7 arated by a distinct line appearing on the ballot. The names of candi-
8 dates for nonpartisan offices shall be placed on a separate column or
9 row on the ballot.

10 2. The commissioner shall arrange the ballot in conformity with the
11 certificate issued by the state commissioner under section forty-three
12 point seventy-three (43.73) of the Code, in that the names of the re-
13 spective candidates on each political party ticket shall appear in the
14 order they appeared on the certificate, above or to the left of the non-
15 party political organization tickets.

1 SEC. 70. Section forty-nine point forty-two (49.42), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The ballot for the general election shall be *arranged in vertical col-*
4 *umns or horizontal rows each of which shall be* substantially in the
5 following form:

1 SEC. 71. Section forty-nine point forty-three (49.43), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.43 Constitutional amendment or other public measure.** In
5 precincts using paper ballots all public measures to be voted upon by
6 an elector at a given election shall be printed upon one ballot of some
7 color other than white. In precincts using voting machines all public
8 measures shall be placed in the question row on the machine; however
9 if it is impossible to place all the public measures on the machine bal-
10 lot, or if only a portion of the qualified electors of the precinct are en-
11 titled to vote upon any measure presented, the commissioner may
12 provide a separate paper ballot for the public measure or measures.

*According to enrolled Act

1 SEC. 72. Section forty-nine point fifty-one (49.51), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.51 Commissioner to control printing.** The commissioner
5 shall have charge of the printing of the ballots to be used for any elec-
6 tion held in the county, unless the commissioner delegates that author-
7 ity as permitted by this section. The commissioner may delegate this
8 authority only to another commissioner who is responsible under sec-
9 tion forty-seven point two (47.2) of the Code for conducting the elec-
10 tions held for a political subdivision which lies in more than one
11 county, and only with respect to printing of ballots containing only
12 public questions or the names of candidates to be voted upon by the
13 qualified electors of that political subdivision. Only one facsimile sig-
14 nature, that of the commissioner under whose direction the ballot is
15 printed, shall appear on the ballot. It is the duty of the commissioner
16 to insure that the arrangement of any ballots printed under his or her
17 direction conforms to all applicable requirements of this chapter.

1 SEC. 73. Section forty-nine point fifty-three (49.53), Code 1975, is
2 amended to read as follows:

3 **49.53 Publication of ballot and notice.** The commissioner shall
4 not less than four nor more than twenty days prior to the day of each
5 election, except those for which different publication requirements are
6 prescribed by law, publish notice of the election. The notice shall con-
7 tain a sample ballot of the first rotation as prescribed by section 49.31,
8 ~~second paragraph subsection two (2)~~, and shall show the names of all
9 candidates or nominees and the office each seeks, and all public ques-
10 tions, to be voted upon at the election. *The sample ballot published*
11 *as a part of the notice may be reduced in size to the extent permit-*
12 *ted by the rules of the state commissioner.* The notice shall also state
13 the date of the election, the hours the polls will be open, the location
14 of each polling place at which voting is to occur in the election, and
15 the names of the precincts voting at each polling place. The notice
16 shall be published in at least one newspaper, as defined in section
17 618.3, which is published in the county or other political subdivision in
18 which the election is to occur or, if no newspaper is published there, in
19 at least one newspaper of substantial circulation in the county or polit-
20 ical subdivision. For the general election or the primary election the
21 foregoing notice shall be published in at least two newspapers pub-
22 lished in the county representing, if possible, the two political parties
23 whose candidates for president of the United States or for governor, as
24 the case may be, received the largest and next largest number of votes
25 in the county at the last preceding general election. However, if there
26 is only one newspaper published in the county, publication in one
27 newspaper shall be sufficient.

1 SEC. 74. Section forty-nine point fifty-seven (49.57), subsection five
2 (5), Code 1975, is amended to read as follows:

3 5. On the outside of the ballot, so as to appear when folded, shall be
4 printed the words "Official ballot", followed by the name and location
5 of the polling place for which the ballot is prepared, the date of the
6 election, and a facsimile of the signature of the commissioner who has
7 caused the ballot to be printed *pursuant to section forty-nine point*
8 *fifty-one (49.51) of the Code.*

1 SEC. 75. Section forty-nine point fifty-eight (49.58), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.58 Effect of death of certain candidates.** If any candidate
5 nominated by a political party, as defined in section forty-three point
6 two (43.2) of the Code, for the office of senator or representative in the
7 congress of the United States, governor, lieutenant governor, attorney
8 general, or senator or representative in the general assembly dies dur-
9 ing the period beginning on the seventy-fourth day and ending on the
10 last day before the general election, or if any candidate so nominated
11 for the office of county supervisor dies during the period beginning on
12 the fifty-ninth day and ending on the last day before the general elec-
13 tion, the vote cast at the general election for that office shall not be
14 canvassed as would otherwise be required by chapter fifty (50) of the
15 Code. Instead, a special election shall be held on the first Tuesday af-
16 ter the second Monday in December, for the purpose of electing a per-
17 son to fill that office. Each candidate for that office whose name
18 appeared on the general election ballot shall also be a candidate for
19 the office in the special election, except that the deceased candidate's
20 political party may designate another candidate in substantially the
21 manner provided by section forty-three point seventy-eight (43.78) of
22 the Code for filling vacancies on the general election ballot. However,
23 a political party which did not have a candidate on the general elec-
24 tion ballot for the office in question may similarly designate a candi-
25 date for that office in the special election. The name of any
26 replacement or additional candidate so designated shall be submitted
27 in writing to the state commissioner, or the commissioner in the case of
28 a candidate for county supervisor, not later than five o'clock p.m. on
29 the first Tuesday after the date of the general election. No other can-
30 didate whose name did not appear on the general election ballot as a
31 candidate for the office in question shall be placed on the ballot for
32 the special election, in any manner. The special election shall be held
33 and canvassed in the manner prescribed by law for the general elec-
34 tion.

1 SEC. 76. Section forty-nine point seventy-three (49.73), Code 1975,
2 is amended to read as follows:

3 **49.73 Time of opening and closing polls.** At all elections, ex-
4 cept as otherwise permitted by this section, the polls shall be opened at
5 seven o'clock a.m., or as soon thereafter as vacancies on the precinct
6 election board have been filled. The commissioner may direct that the
7 polls be opened at twelve o'clock noon for any election conducted for
8 ~~any school district or~~ a city of three thousand five hundred or less pop-
9 ulation ~~or any school district~~ at which ~~he~~ *the commissioner* con-
10 cludes, on the basis of voter turnout for recent similar elections and
11 factors considered likely to affect voter turnout for the forthcoming
12 election, that voting will probably be so light as to justify shortened
13 voting hours for that election, except that the commissioner shall not
14 do so for any election if there is filed in the commissioner's office, at
15 least ~~twenty~~ *twenty-five* days before the election, a petition signed by
16 at least fifty eligible electors of the school district or city, as the case
17 may be, requesting that the polls ~~not~~ be opened *not* later than seven
18 o'clock a.m. All polling places where the candidates of or any public
19 question submitted by any one political subdivision are being voted
20 upon shall be opened at the same hour, *except that this requirement*
21 *shall not apply to merged areas established under chapter two*
22 *hundred eighty A (280A) of the Code.* The hours at which the respec-
23 tive precinct polling places are to open shall not be changed after pub-
24 lication of the notice required by section 49.53. In all cases the polling
25 places shall be closed at ~~eight~~ *nine* o'clock p.m.

1 SEC. 77. Section forty-nine point seventy-seven (49.77), unnum-
2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 The board members of their respective precincts shall have charge of
4 the ballots and furnish them to the voters. Any person desiring to vote
5 shall give his *or her* name and address to the precinct election officials,
6 one of whom shall announce the person's name aloud for the benefit of
7 political party challengers if any are present in the polling place. No
8 person whose name does not appear on the election register of the pre-
9 cinct in which ~~he~~ *that person* claims ~~his~~ *the right* to vote shall be per-
10 mitted to vote unless the county commissioner of elections informs the
11 precinct election officials that an error has been made and that the per-
12 son is a qualified elector of that precinct. The elector shall sign a vot-
13 er's declaration provided by the officials, in substantially the following
14 form:

1 SEC. 78. Section forty-nine point seventy-nine (49.79), Code 1975, is
2 amended to read as follows:

3 **49.79 Challenges.** Any person offering to vote may be chal-
4 lenged as unqualified by any precinct election official or elector; and
5 it is the duty of each ~~of the officials~~ *official* to challenge any person
6 offering to vote whom ~~he~~ *the official* knows or suspects is not to be du-
7 dly qualified. ~~At primary elections challenges may be made on the~~
8 ~~grounds stated in section 43.44. No official shall receive a~~ A ballot
9 ~~shall be received from a voter who is challenged, until such voter shall~~
10 ~~have established his right to vote but only in accordance with section~~
11 ~~forty-nine point eighty-one (49.81) of the Code.~~

1 SEC. 79. Section forty-nine point eighty (49.80), subsections two (2)
2 and three (3), Code 1975, are amended to read as follows:

3 2. In case of ~~all any~~ challenges of ~~electors~~ *an elector* at the time he
4 *or she* is offering to vote in a precinct, a precinct election official may
5 place such person under oath and question him *or her* as, (a) where he
6 *or she* maintains his *or her* home; (b) how long he *or she* has main-
7 tained his *or her* home at such place; (c) if he *or she* maintains a home
8 at any other location; (d) his *or her* age. The precinct election official
9 may permit the challenger to participate in such questions. The chal-
10 langed elector shall be allowed to present to the official such evidence
11 and facts ~~that he~~ *as the elector* feels sustains the fact that he *or she* is
12 qualified to vote. Upon completion thereof, ~~the official hearing the~~
13 ~~challenge shall determine if the challenged elector shall be allowed to~~
14 ~~vote. if the challenge is withdrawn, the elector may cast his or her~~
15 ~~vote in the usual manner. If the challenge is not withdrawn, section~~
16 ~~forty-nine point eighty-one (49.81) of the Code shall apply.~~

17 3. ~~In case of a challenge on the grounds stated in section 43.44, the~~
18 ~~procedures set forth in that section shall be followed. The commission-~~
19 ~~er shall send to each precinct an alphabetical list of all registrants~~
20 ~~in that precinct whose receipts were returned by the postal service~~
21 ~~pursuant to section forty-seven (47) of this Act during the period af-~~
22 ~~ter the last election and prior to the pending election. Any person~~
23 ~~whose name appears on the list, even if that person's name also ap-~~
24 ~~pears on the election register, shall be allowed to cast a ballot only~~
25 ~~in the manner prescribed by section forty-nine point eighty-one~~
26 ~~(49.81) of the Code.~~

1 SEC. 80. Section forty-nine point eighty-one (49.81), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **49.81 Procedure for challenged voter to cast ballot.**
 5 1. A prospective voter who is prohibited under section forty-nine
 6 point eighty (49.80) of the Code from voting except under this section
 7 shall be permitted to cast a paper ballot, in a booth meeting the re-
 8 quirement of section forty-nine point twenty-five (49.25) of the Code.
 9 The marked ballot, folded as required by section forty-nine point eighty-
 10 four (49.84) of the Code, shall be delivered to a precinct election of-
 11 ficial who shall immediately seal it in an unmarked envelope which
 12 shall be placed in an affidavit envelope of the type prescribed by sec-
 13 tion fifty-three point thirteen (53.13) of the Code. The voter shall not
 14 be required to execute the oath contained in the affidavit. Space shall
 15 be left on the affidavit envelope for the precinct election official to in-
 16 dicate the name of the challenged elector and the reason for the chal-
 17 lenge. The sealed affidavit envelope shall be deposited as required by
 18 section forty-nine point eighty-five (49.85) of the Code in a special con-
 19 tainer marked "challenged ballots" and shall be considered as having
 20 been cast in the special precinct established by section one hundred
 21 eighteen (118) of this Act for purposes of the post-election canvass.

22 2. Each person who casts a challenged ballot under this section shall
 23 receive a printed statement in substantially the following form:
 24 "Your qualifications as an elector have been challenged for the follow-
 25 ing reasons:

- 26 1.....
- 27 2.....
- 28 3.....

29 Your right to vote will be reviewed by the special precinct counting
 30 board on..... You have the right and are encouraged
 31 to make a written statement and submit additional written evidence to
 32 this board supporting your qualifications as an elector. This written
 33 statement and evidence may be given to an election official of this pre-
 34 cinct on election day or mailed or delivered to the county commission-
 35 er of elections, but must be received prior to noon on
 36 at..... If your ballot is not counted you
 37 will receive notification of this fact."

38 3. Any elector may present written statements or documents, sup-
 39 porting or opposing the counting of any challenged ballot, to the pre-
 40 cinct election officials on election day, until the hour for closing the
 41 polls. Any statements or documents so presented shall be delivered to
 42 the commissioner when the election supplies are returned.

1 SEC. 81. Section forty-nine point ninety (49.90), Code 1975, is
 2 amended to read as follows:

3 **49.90 Assisting voter.** Any voter who may declare upon oath
 4 that he or she cannot read the English language, or ~~that~~ is, by reason
 5 of any physical disability other than intoxication, he is unable to cast
 6 his a vote without assistance, shall, upon request, be assisted by said
 7 two officers, or alternately by any other person the blind voter may
 8 select if the voter is blind, in casting his the vote. Said officers, or per-
 9 son selected by the blind voter, shall cast the vote of the voter requir-
 10 ing assistance, and shall thereafter give no information regarding the
 11 same. *If any elector because of a handicap cannot enter the building*
 12 *where the polling place for the elector's precinct of residence is lo-*
 13 *cated, the two officers shall take a paper ballot to the vehicle occu-*
 14 *ped by the handicapped elector and allow the elector to cast the*
 15 *ballot in the vehicle. If a handicapped elector cannot cast a ballot*
 16 *on a voting machine the elector shall be allowed to cast a paper bal-*
 17 *lot. Paper ballots cast by handicapped electors shall be cast accord-*
 18 *ing to section forty-nine point eighty-one (49.81) of the Code, except*

19 they shall be marked "handicapped voter's ballot", and shall be
 20 counted in the same manner as challenged ballots accepted under
 21 section fifty point twenty-two (50.22) of the Code.

1 SEC. 82. Section forty-nine point one hundred four (49.104), subsec-
 2 tion three (3), Code 1975, is amended to read as follows:

3 3. Any number of persons not exceeding three from each of such po-
 4 litical parties, appointed and accredited in the same manner as above
 5 prescribed for challenging committees, to witness the counting of bal-
 6 lots. *Subject to the restrictions of section fifty-one point eleven*
 7 *(51.11), the witnesses may observe the counting of ballots by a*
 8 *counting board during the hours the polls are open in any precinct*
 9 *for which double election boards have been appointed.*

1 SEC. 83. Section forty-nine point one hundred twenty-five (49.125),
 2 Code 1975, is amended to read as follows:

3 **49.125 Compensation of trainees.** All election personnel attend-
 4 ing such training course shall be paid for attending such course for a
 5 period not to exceed two hours, *and shall be reimbursed for travel to*
 6 *and from the place where the training is given at the rate specified*
 7 *in section seventy-nine point nine (79.9) of the Code if the distance*
 8 *involved is more than five miles.* The wages shall be two dollars per
 9 hour and payment of wages and mileage for attendance shall be made
 10 at the time that payment is made for duties performed on election
 11 day.

1 SEC. 84. Chapter fifty (50), Code 1975, is amended by inserting af-
 2 ter section fifty point one (50.1) the following new section:

3 **NEW SECTION. One tally list in certain machine precincts.** In
 4 any precinct where an election is held by means of voting machines
 5 which deliver, immediately upon conclusion of the voting, multiple
 6 copies of a printed record of the votes cast and the totals for each can-
 7 didate or question appearing on the face of the machine, the require-
 8 ment of section fifty point one (50.1), subsection four (4) of the Code
 9 that two election board members keep separate tally lists of the vote
 10 count shall not apply unless the election board finds upon opening the
 11 machine that the printed record produced by the machine is smeared,
 12 torn or otherwise unreadable. If the printed record is intact and legi-
 13 ble, the election board need appoint only one of its members to keep a
 14 tally list of the count.

1 SEC. 85. Section fifty point seventeen (50.17), Code 1975, is amend-
 2 ed to read as follows:

3 **50.17 Return of election register.** The precinct election register
 4 prepared for each election, together with the ballots to be returned pur-
 5 suant to section 50.12, if any, and the signed and attested tally list,
 6 shall be delivered to the commissioner by one of the precinct election
 7 officials ~~within two days after~~ *by noon of the day of following* the
 8 election.

1 SEC. 86. Section fifty point nineteen (50.19), Code 1975, is amended
 2 to read as follows:

3 **50.19 Preservation of books—when destroyed.** The commis-
 4 sioner ~~shall file~~ *may destroy* precinct election registers ~~and other pa-~~
 5 ~~pers pertaining to registration, together with,~~ the declarations of
 6 eligibility signed by voters ~~at the,~~ *and other material pertaining to*
 7 *an election, in his office and preserve the same for four years and until*
 8 *the determination of any contest then pending, after which they shall*
 9 *be destroyed except the tally lists, six months after the election if no*

10 *contest is pending. If a contest is pending all election materials*
 11 *shall be preserved until final determination of the contest. Before*
 12 *destroying the election registers and declarations of eligibility, the*
 13 *commissioner shall prepare records as necessary to permit compli-*
 14 *ance with section forty-eight point thirty-one (48.31), subsection one*
 15 *(1) of the Code.*

1 SEC. 87. Chapter fifty (50), Code 1975, is amended by inserting af-
 2 ter section fifty point nineteen (50.19) the following new sections:

3 **NEW SECTION. Notice of number of challenged ballots.** The
 4 commissioner shall compile a list of the number of challenged ballots
 5 cast under section forty-nine point eighty-one (49.81) of the Code in
 6 each precinct. The list shall be made available to the public as soon as
 7 possible, but in no case later than nine o'clock a.m. on the second day
 8 following the election. Any elector may examine the list during normal
 9 office hours, and may also examine the affidavit envelopes bearing the
 10 ballots of challenged electors until the reconvening of the special pre-
 11 cinct board as required by this chapter. Only those persons so permit-
 12 ted by section one hundred twenty (120), subsection four (4) of this Act
 13 shall have access to the affidavits while that board is in session. Any
 14 elector may present written statements or documents, supporting or op-
 15 posing the counting of any challenged ballot, at the commissioner's of-
 16 fice until the reconvening of the special precinct board.

17 **NEW SECTION. Special precinct board reconvened.** The commis-
 18 sioner shall reconvene the election board of the special precinct estab-
 19 lished by section one hundred eighteen (118) of this Act at noon on the
 20 third day following each election which is required by law to be can-
 21 vassed on the Monday following the election. If the canvass of the
 22 election is required at any earlier time, the special precinct election
 23 board shall be reconvened at noon on the day following the election. If
 24 no challenged ballots were cast in the county pursuant to section forty-
 25 nine point eighty-one (49.81) of the Code at any election, the special
 26 precinct election board need not be so reconvened. If the number of
 27 challenged ballots so cast at any election is not sufficient to require re-
 28 convening of the entire election board of the special precinct, the com-
 29 missioner may reconvene only the number of members required, but in
 30 so doing shall observe the requirements of sections forty-nine point
 31 twelve (49.12) and forty-nine point thirteen (49.13) of the Code.

32 **NEW SECTION. Special precinct board to determine chal-**
 33 **lenges.** Upon being reconvened, the special precinct election board
 34 shall review the affidavits upon the envelopes bearing the challenged
 35 ballots, and all evidence submitted in support of or opposition to the
 36 right of each challenged person to vote in the election. The board may
 37 divide itself into panels of not less than three members each in order to
 38 hear and determine two or more challenges simultaneously, but each
 39 panel shall meet the requirements of section forty-nine point twelve
 40 (49.12) of the Code as regards political party affiliation of the members
 41 of each panel. The decision to count or reject each ballot shall be made
 42 upon the basis of the information given on the affidavit envelope, the
 43 evidence concerning the challenge, the registration and the returned re-
 44 ceipts of registration. If a challenged ballot is rejected, the person cast-
 45 ing the ballot shall be notified by the commissioner within ten days of
 46 the reason for the rejection, on the form prescribed by section fifty-
 47 three point twenty-five (53.25) of the Code, and the affidavit envelope
 48 shall be preserved unsealed and disposed of in the same manner as
 49 spoiled ballots. The challenged ballots which are accepted shall be
 50 counted in the manner prescribed by section fifty-three point twenty-

51 four (53.24) of the Code. The commissioner shall make public the num-
 52 ber of challenged ballots rejected and not counted, at the time of the
 53 canvass of the election.

1 SEC. 88. Section fifty point twenty-three (50.23), Code 1975, is
 2 amended to read as follows:

3 **50.23 Messengers for missing tally lists.** The commissioner
 4 shall, ~~on the fourth day following an election,~~ send messengers for all
 5 tally lists not ~~then~~ received by ~~him~~ in the commissioner's office by
 6 noon of the day following the election. The expense of securing such
 7 tally lists shall be paid by the county.

1 SEC. 89. Section fifty point twenty-four (50.24), Code 1975, is
 2 amended to read as follows:

3 **50.24 Canvass by board of supervisors.** The county board of su-
 4 pervisors shall meet to canvass the vote at nine o'clock on the morning
 5 of the first Monday after the day of each election to which this chapter
 6 is applicable, unless the law authorizing the election specifies another
 7 date for the canvass; ~~and. If that Monday is a public holiday, the~~
 8 ~~provisions of section four point one (4.1), subsection twenty-two~~
 9 ~~(22) of the Code shall control. Upon convening, the board shall open~~
 10 and canvass the tally lists. ~~The board~~ and shall prepare abstracts stat-
 11 ing, in words written at length, the number of votes cast in the county,
 12 or in that portion of the county in which the election was held, for
 13 each office or on each question on the ballot for the election. The ab-
 14 stract shall further indicate the name of each person who received votes
 15 for each office on the ballot, and the number of votes each person
 16 named received for that office, and the number of votes for and
 17 against each question submitted to the voters at the election.

1 SEC. 90. Section fifty-one point eleven (51.11), Code 1975, is
 2 amended to read as follows:

3 **51.11 Presence of persons.** No person shall be admitted into the
 4 space or room where such ballots are being counted until the polls are
 5 closed, except the counting board ~~and the witnesses appointed and~~
 6 ~~accredited under section forty-nine point one hundred four (49.104),~~
 7 ~~subsection three (3) of the Code. It shall be unlawful for any witness~~
 8 ~~to communicate or attempt to communicate, directly or indirectly,~~
 9 ~~information regarding the progress of the count at any time before~~
 10 ~~the polls are closed.~~

1 SEC. 91. Section fifty-two point one (52.1), Code 1975, is amended
 2 by striking the section and inserting in lieu thereof the following:

3 **52.1 Alternative voting systems—definitions.**

4 1. At all elections conducted under chapter forty-nine (49) of the
 5 Code, and at any other election unless specifically prohibited by the
 6 statute authorizing the election, votes may be cast, registered, recorded
 7 and counted by means of either voting machines or electronic voting
 8 systems, in accordance with this chapter.

9 2. As used in this chapter, unless the context otherwise requires:

10 a. "Voting machine" means a mechanical device, meeting the re-
 11 quirements of section fifty-two point seven (52.7) of the Code, des-
 12 ignated for use in casting, registering, recording and counting votes at
 13 an election.

14 b. "Electronic voting system" means a system employing special pa-
 15 per ballots or ballot cards and ballot labels, under which votes are:

16 (1) Cast by voters by marking special paper ballots with a vote mark-
 17 ing device, or by marking ballot cards by use of a voting punch device;
 18 and

- 19 (2) Thereafter counted by use of automatic tabulating equipment.
 20 c. "Special paper ballot" means a printed ballot designed to be
 21 marked by a voter with a vote marking device.
 22 d. "Vote marking device" means a pen, pencil or similar writing tool
 23 for use in marking a special paper ballot, so designed or fabricated that
 24 the mark it leaves may be detected and the vote so cast counted by au-
 25 tomatic tabulating equipment.
 26 e. "Ballot card" means a tabulating card on which votes may be re-
 27 corded by a voter by use of a voting punch device.
 28 f. "Ballot label" means the cards, papers, booklet, pages or other
 29 material on which appear the names of offices and candidates and the
 30 statements of public questions to be voted on at any election by means
 31 of ballot cards.
 32 g. "Voting punch device" means an apparatus to which is affixed a
 33 ballot label, and in which a ballot card may be inserted and marked by
 34 the voter by piercing the ballot card at appropriate points with a stylus
 35 provided for the purpose. The hole or mark made by the stylus may be
 36 round, square, rectangular or any other shape that will clearly indicate
 37 the intent of the voter.
 38 h. "Ballot" includes a special paper ballot and a ballot card and its
 39 associated ballot label. In appropriate contexts, "ballot" also includes
 40 conventional paper ballots.
 41 i. "Automatic tabulating equipment" means apparatus, including
 42 but not limited to electronic data processing machines, which may be
 43 utilized to ascertain the manner in which either special paper ballots or
 44 ballot cards have been marked by voters, and count the votes marked
 45 thereon.
 46 j. "Counting center" means any place selected by the commissioner
 47 where automatic tabulating equipment is available, or is placed, for
 48 the purpose of counting votes marked on ballots cast in two or more
 49 precincts.

1 SEC. 92. Section fifty-two point two (52.2), Code 1975, is amended
 2 to read as follows:

3 **52.2. Purchase.** The board of supervisors of any county may, by
 4 a majority vote, authorize, purchase, and order the use of *either* voting
 5 machines *or an electronic voting system* in any one or more voting
 6 precincts within said county until otherwise ordered by said board of
 7 supervisors. *Voting machines and an electronic voting system may*
 8 *be used concurrently at different precincts within any county, but*
 9 *not at the same precinct.*

1 SEC. 93. Section fifty-two point three (52.3), Code 1975, is amended
 2 to read as follows:

3 **52.3 Terms of purchase—tax levy.** The county board of supervi-
 4 sors, on the adoption and purchase of a voting machine *or an electron-*
 5 *ic voting system*, may provide for the payment therefor in such
 6 manner as they may deem for the best interest of the county, and may
 7 for that purpose issue bonds, certificates of indebtedness, or other obli-
 8 gations, which shall be a charge on the county, or levy not to exceed
 9 thirteen and one-half cents per thousand dollars of assessed value. Any
 10 amounts so levied and collected in excess of actual costs of voting ma-
 11 chines shall revert to the general fund of the county. Such bonds, cer-
 12 tificates, or other obligations may be issued with or without interest,
 13 payable at such time or times as the county board may determine, but
 14 shall not be issued or sold at less than par.

1 SEC. 94. Section fifty-two point four (52.4), Code 1975, is amended
2 to read as follows:

3 **52.4 Commissioners—term—removal.** The governor shall ap-
4 point three ~~commissioners~~ *members to a board of examiners for vot-*
5 *ing machines and electronic voting systems*, not more than two of
6 whom shall be from the same political party. The ~~said commissioners~~
7 *examiners* shall hold office for the term of five years, subject to re-
8 moval at the pleasure of the governor.

1 SEC. 95. Section fifty-two point five (52.5), Code 1975, is amended
2 to read as follows:

3 **52.5 Examination of machine.** Any person or corporation own-
4 ing or being interested in any voting machine *or electronic voting sys-*
5 *tem* may call upon the ~~said commissioners~~ *examiners* to examine the
6 said machine *or system*, and make report to the state commissioner
7 upon the capacity of the said machine *or system* to register the will of
8 voters, its accuracy and efficiency, and with respect to its mechanical
9 perfections and imperfections. Their report shall be filed in the office
10 of the state commissioner and shall state whether in their opinion the
11 kind of machine *or system* so examined can be safely used by such vot-
12 ers at elections under the conditions prescribed in this chapter. If the
13 report states that the machine *or system* can be so used, it shall be
14 deemed approved by the ~~commissioners~~ *examiners*, and machines *or*
15 *systems* of its kind may be adopted for use at elections as herein pro-
16 vided. Any form of voting machine *or system* not so approved cannot
17 be used at any election. *Prior to actual purchase by any county of*
18 *any particular electronic voting system which has been approved*
19 *for use in this state, the state commissioner shall formulate, with*
20 *advice and assistance of the examiners, and adopt rules governing*
21 *the development of vote counting programs and all procedures used*
22 *in actual county* of votes by means of that system.*

1 SEC. 96. Section fifty-two point six (52.6), Code 1975, is amended to
2 read as follows:

3 **52.6 Compensation.** Each ~~commissioner~~ *examiner* is entitled to
4 one hundred fifty dollars for his *or her* compensation and expenses in
5 making such examination and report, to be paid by the person or cor-
6 poration applying for such examination. No ~~commissioner~~ *examiner*
7 shall have any interest whatever in any machine *or system* reported
8 upon. Provided that ~~said commissioner~~ *each examiner* shall ~~not~~
9 receive *not* to exceed fifteen hundred dollars and reasonable expenses in
10 any one year; and all sums collected for such examinations over and
11 above said maximum salaries and expenses shall be turned into the
12 state treasury.

1 SEC. 97. Section fifty-two point seven (52.7), unnumbered para-
2 graph one (1), Code 1975, is amended to read as follows:

3 A voting machine approved by the state board of *examiners for vot-*
4 *ing machine* ~~commissioners~~ *machines and electronic voting systems*
5 must be so constructed as to provide facilities for voting for the candi-
6 dates of at least seven different parties or organizations, must permit a
7 voter to vote for any person for any office although not nominated as
8 a candidate by any party or organization, and must permit voting in
9 absolute secrecy.

1 SEC. 98. Section fifty-two point eight (52.8), Code 1975, is amended
2 to read as follows:

*According to enrolled Act

3 **52.8 Experimental use.** The board of supervisors of any county
4 may provide for the experimental use at an election in one or more dis-
5 tricts, of a *voting machine or electronic voting system* which it might
6 lawfully adopt, without a formal adoption thereof; and its use at such
7 election shall be as valid for all purposes as if it had been lawfully
8 adopted.

1 SEC. 99. Section fifty-two point nine (52.9), unnumbered paragraph
2 two (2), Code 1975, is amended to read as follows:

3 It shall be the duty of the commissioner or ~~his~~ *the commissioner's*
4 duly authorized agent ~~when so requested by the county chairman~~
5 ~~of one of the political parties referred to in section 49.13,~~ to examine
6 and test the voting machines to be used at any election *after the ma-*
7 *chines have been prepared for the election* and not less than twelve
8 hours before the opening of the polls on the morning of the election. If
9 ~~voting machines are to be so examined and tested,~~ *the chairman* ~~The~~
10 *county chairperson* of each political party *referred to in section for-*
11 *ty-nine point thirteen (49.13) of the Code* shall be notified in writing
12 of the time said machines shall be examined and tested so that they
13 may be present, or have a representative present. Those present for the
14 examination and testing shall sign a certificate which shall read sub-
15 stantially as follows:

1 SEC. 100. Section fifty-two point eighteen (52.18), Code 1975, is
2 amended to read as follows:

3 **52.18 Method of voting.** After the opening of the polls, the pre-
4 cinct election officials shall not allow any voter to enter the voting ma-
5 chine booth until they ascertain that he is duly entitled to vote. Only
6 one voter at a time shall be permitted to enter the voting machine
7 booth to vote. The operating of the voting machine by the elector
8 while voting shall be secret and obscured from all other persons, except
9 as provided by ~~this chapter~~ *sections forty-nine point eighty-nine*
10 *(49.89), forty-nine point ninety (49.90) and forty-nine point ninety-*
11 *one (49.91) of the Code* in cases of voting by assisted electors. No voter
12 shall remain within the voting machine booth longer than three min-
13 utes, and if he shall refuse to leave it after the lapse of three minutes,
14 he shall be removed by the officials.

1 SEC. 101. Section fifty-two point twenty-two (52.22), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The precinct election officials shall, as soon as the count is complet-
4 ed and fully ascertained as in this chapter required, lock the machine
5 against voting, and it shall so remain until thirty days after the procla-
6 mation of the results of said election, except that it shall remain locked
7 only ten days after a primary election, ~~including and only two days~~
8 *after a city primary election, if such election is not contested.*

9 *In cities in which the council has chosen a runoff election in lieu of*
10 *a primary pursuant to section three hundred seventy-six point nine*
11 *(376.9) of the Code, the machine shall remain locked only two days af-*
12 *ter the regular city election if the canvass shows that a runoff election*
13 *is required, and the election is not contested.* However, if the machines
14 in any precinct are so constructed as to deliver, immediately upon con-
15 clusion of the voting at any election, multiple copies of a printed rec-
16 ord of the votes cast and the totals for each candidate or question
17 appearing on the face of the machine, the machines may be unlocked
18 immediately following the canvass of votes *by the county board of su-*
19 *pervisors* unless the precinct election board informs the commissioner
20 that the printed record produced by the machine is smeared, torn or

21 otherwise unreadable. In the latter case, the machines shall be kept
 22 locked for the period of time prescribed for machines which do not
 23 print such a record.

1 SEC. 102. Section fifty-two point twenty-five (52.25), unnumbered
 2 paragraph one (1)*, Code 1975, is amended to read as follows:
 3 The entire convention question, amendment or public measure shall
 4 be printed and displayed prominently in at least two places within the
 5 voting precinct and on the left-hand side inside the curtain of each
 6 voting machine, said printing to be in conformity with the provisions
 7 of chapter 49. The public measure shall be summarized by the commis-
 8 sioner and in the largest type possible printed on the inserts used in
 9 said voting machines, except *that: (1) in the case of the question of a*
 10 *constitutional convention, or of an amendment or measure to be voted*
 11 *on in ~~more than one county~~ the entire state, the summary to be placed*
 12 *in the voting machine inserts shall be worded by the state commission-*
 13 *er of elections as required by section 49.44; and (2) in the case of a*
 14 *public question to be voted on in a political subdivision lying in*
 15 *more than one county, the summary shall be worded by the commis-*
 16 *sioner responsible under section forty-seven point two (47.2) of the*
 17 *Code for conducting that election.*

1 SEC. 103. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Authorized electronic voting system.** Every elec-
 4 tronic voting system approved by the state board of examiners for vot-
 5 ing machines and electronic voting systems shall:

6 1. Provide for voting in secrecy, except as to persons entitled by sec-
 7 tions forty-nine point ninety (49.90) and forty-nine point ninety-one
 8 (49.91) of the Code to assistance.

9 2. Permit each voter to vote at any election for any candidate for
 10 each office and upon each public question with respect to which the
 11 voter is entitled by law to vote, while preventing the voter from voting
 12 more than once upon any public question or casting more votes for any
 13 office than there are persons to be elected to that office.

14 3. Permit a voter to vote for any person for any office on the ballot
 15 at that election, whether or not the person's name is printed on the
 16 ballot.

17 4. Be so constructed or designed that, when voting in a primary elec-
 18 tion in which candidates are nominated by political parties, a voter is
 19 limited to the candidates for the nominations of the political party
 20 with which that voter is affiliated.

21 5. Be so constructed or designed that in presidential elections the
 22 voter casts a vote for the presidential electors of any party or political
 23 organization by a single mark or punch made opposite the name of the
 24 candidates of that party or organization for the offices of both presi-
 25 dent and vice president of the United States, and so that the voter is
 26 also provided the opportunity to write in the name of any person for
 27 whom the voter desires to vote for president or vice president of the
 28 United States.

29 6. Be so constructed or designed as to permit voting for candidates
 30 for nomination or election of at least seven different political parties or
 31 organizations, and to permit voting for all of the candidates of any
 32 one political party or organization by a single mark or punch, at any
 33 one election.

*According to enrolled Act

34 7. The voting punch device shall be so constructed and designed so
 35 if an elector makes an error in marking the ballot, the machine shall
 36 indicate the error and permit the elector to make a correction according
 37 to the provisions of section one hundred seven (107), paragraph four (4)
 38 of this Act.

1 SEC. 104. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Commissioner to provide electronic voting equip-**
 4 **ment.** The commissioner having jurisdiction of any precinct for
 5 which the board of supervisors has adopted voting by means of an elec-
 6 tronic voting system shall, as soon as practicable thereafter, provide for
 7 use at each election held in the precinct special paper ballots and vote
 8 marking devices, or ballot cards, ballot labels and voting punch de-
 9 vices, as the case may be, in appropriate numbers. The commissioner
 10 shall have custody of all equipment required for use of the electronic
 11 voting system, and shall be responsible for maintaining it in good con-
 12 dition and for storing it between elections. All provisions of chapter
 13 forty-nine (49) of the Code relative to times and circumstances under
 14 which voting machines are to be used in any election and the number
 15 of voting machines to be provided shall also govern the use of electron-
 16 ic voting systems, when applicable.

1 SEC. 105. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

3 **NEW SECTION. Electronic voting system ballot forms.**

4 1. The commissioner of each county in which the use of an electronic
 5 voting system in one or more precincts* has been authorized shall deter-
 6 mine the arrangement of candidates names and public questions upon
 7 the ballot or ballots used with the system. The ballot information,
 8 whether placed on the special paper ballot, the ballot card or the ballot
 9 label, shall be arranged as required by chapters forty-three (43) and
 10 forty-nine (49) of the Code, and by any relevant provisions of any stat-
 11 utes which specify the form of ballots for special elections, so far as
 12 possible within the constraints of the physical characteristics of the
 13 electronic voting system in use in that county. The state commissioner
 14 may adopt rules requiring a reasonable degree of uniformity among
 15 counties in arrangement of electronic voting system ballots.

16 2. Where voting is to occur by use of ballot cards, ballot labels and a
 17 voting punch device, the ballot labels must be arranged on or in the
 18 voting punch device in the places provided for that purpose. Voting
 19 squares may be before or after the names of candidates and statements
 20 of questions, and shall be of such size as is compatible with the type of
 21 electronic voting system in use in that county. Ballots and ballot labels
 22 shall be printed in as plain and clear type and size as the space avail-
 23 able will reasonably permit. Ballot cards shall be provided with tear-
 24 off stubs which shall be of a size suitable for the ballots or ballot cards
 25 used and for the requirements of the voting punch device. The ballots
 26 or ballot cards may contain special printed marks and holes as required
 27 for proper positioning and reading of the ballots by the automatic tab-
 28 ulating equipment. Where ballots or ballot cards are bound into pads,
 29 they may be bound at the top or bottom or at either side.

1 SEC. 106. Chapter fifty-two (52), Code 1975, is amended by adding
 2 the following new section:

*According to enrolled Act.

3 **NEW SECTION. Electronic voting system sample ballots.** The
4 commissioner shall provide for each precinct where an electronic voting
5 system is in use at least four sample special paper ballots, or combina-
6 tions of ballot cards and ballot labels, as the case may be, which shall
7 be exact copies of the official ballots as printed for that precinct. The
8 sample ballots shall be arranged in the form of a diagram showing the
9 special paper ballot or the front of the voting punch device, as the case
10 may be, as it will appear to the voter in that precinct on election day.
11 The sample ballots shall be posted prominently within the polling
12 place, and shall be open to public inspection during the hours the polls
13 are open on election day.

1 **SEC. 107.** Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Procedure where votes cast on ballot cards.** The
4 provisions of this section shall apply to any precinct for those elections
5 at which votes are to be received on ballot cards in that precinct.

6 1. The commissioner shall cause the voting punch devices to be put
7 in order, set, adjusted and made ready for voting when delivered to
8 the precinct polling places. Before the opening of the polls, the pre-
9 cinct election officials shall compare the ballot cards and ballot labels
10 with the sample ballots furnished, and see that the names, numbers
11 and letters thereon agree and shall so certify on forms provided for this
12 purpose. The certification shall be filed with the election returns.

13 2. Each voter shall be instructed how to use the voting punch device
14 before entering the voting booth. In addition to the instructions print-
15 ed on the ballot cards or ballot labels, instructions to voters shall be
16 posted in each voting booth or place on the voting punch device. Any
17 voter who requests further instructions as to the manner of voting, af-
18 ter entering the voting booth, shall receive the instructions from two
19 precinct election officials, who shall not be members of the same politi-
20 cal party if the election is one in which candidates are to be nominated
21 or elected upon a partisan ballot. The precinct election officials shall
22 give the necessary instruction without attempting in any manner to
23 influence the voter to vote for any particular candidate or ticket, or for
24 or against any public question. After receiving such instructions, the
25 voter shall vote without further assistance, except as otherwise provid-
26 ed by sections forty-nine point eighty-nine (49.89), forty-nine point
27 ninety (49.90) and forty-nine point ninety-one (49.91) of the Code.

28 3. A separate write-in ballot, which may be in the form of a paper
29 ballot or ballot card, or may be printed on the envelope in which the
30 voter places his ballot card after voting, shall be provided where neces-
31 sary to permit voters to write in the names of persons whose names are
32 not printed on the ballot. If a separate write-in ballot is used, it must
33 be placed by the voter in the same envelope with the regular ballot
34 card.

35 4. A voter who spoils or defaces a ballot card or marks it erroneously
36 shall return the card to the precinct election officials with stub folded
37 so as not to disclose any choices made. The precinct election officials
38 shall deliver to the voter another ballot card, but no voter may receive
39 more than three ballot cards including the one originally delivered to
40 the voter. Upon return of a defective ballot card, a precinct election of-
41 ficial shall cancel it by writing in ink on the back the word "spoiled".
42 The canceled ballot card shall be placed, without detaching the ballot
43 stub, with spoiled ballots to be returned to the commissioner.

44 5. After marking the ballot card, the voter shall place it inside the
45 ballot envelope and return it to the election official, who shall remove

46 the stub and deposit the envelope with the ballot inside it in the ballot
47 box. Ballot cards from which the stub has been removed by anyone ex-
48 cept a precinct election official shall not be deposited in the ballot box,
49 but shall be marked "spoiled" and returned to the commissioner.

1 SEC. 108. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Procedure where votes cast on special paper bal-**
4 **lots.** Preparations for voting and voting at any election in a precinct
5 where votes are to be received on special paper ballots shall be in accor-
6 dance with the provisions of chapter forty-nine (49) governing voting
7 upon conventional paper ballots. However, before entering the voting
8 booth each voter shall be cautioned to mark the ballot only with a vote
9 marking device provided in the booth.

1 SEC. 109. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Procedure upon closing polls in electronic voting**
4 **system precincts.** The provisions of this section shall apply, in lieu
5 of sections fifty point one (50.1) through fifty point twelve (50.12), in-
6 clusive, of the Code, to any precinct for those elections at which voting
7 is conducted by means of an electronic voting system.

8 1. At the time for closing of the polls, or as soon thereafter as all
9 persons entitled under section forty-nine point seventy-four (49.74) of
10 the Code to do so have cast their votes, the precinct election officials
11 in each precinct where voting punch devices are in use shall secure the
12 devices against further voting. They shall then open the ballot box and
13 count the number of ballots or envelopes containing ballots that have
14 been cast to determine whether the number of ballots cast exceeds the
15 number of declarations of eligibility signed as required by section
16 forty-nine point seventy-seven (49.77) of the Code. If so, that fact shall
17 be reported in writing to the commissioner together with the number of
18 excess ballots and the reason for the excess, if known.

19 2. The precinct election officials shall next count the write-in votes
20 cast in the precinct, if any. If ballot cards are used, and separate write-
21 in ballots or envelopes for recording write-in votes are used, all ballots
22 or envelopes on which write-in votes have been recorded shall be serial-
23 ly numbered, starting with the number one, and the same number shall
24 be placed on the regular ballot card of that voter. The precinct election
25 official shall compare the write-in votes with the votes cast on the bal-
26 lot card. If the total number of votes for any office exceeds the number
27 allowed by law, a notation to that effect shall be entered on the back
28 of the ballot card and the votes for the office involved shall not be
29 counted.

30 3. The precinct election officials shall place all ballots that have
31 been cast in a container provided by the commissioner for the purpose,
32 which shall be sealed in the presence of all of the precinct election offi-
33 cials. They shall then each affix their signatures to a statement attest-
34 ing that the requirements of this section have been complied with, and
35 the statement shall be returned to the commissioner with the election
36 register as required by section fifty point seventeen (50.17) of the Code.

1 SEC. 110. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Absentee voting by electronic voting system.** In
4 any county in which the board of supervisors has adopted voting by
5 means of an electronic voting system, the commissioner may elect to
6 also conduct absentee voting by use of such a system if the system so

7 used is compatible with the counting center serving the precinct polling
8 places in the county where voting is by means of an electronic voting
9 system. In any other county, the commissioner may with approval of
10 the board of supervisors conduct absentee voting by use of an electron-
11 ic voting system. All provisions of chapter fifty-three (53) of the Code
12 shall apply to such absentee voting, so far as applicable. When a ballot
13 card is used for voting by mail it shall be accompanied by a stylus,
14 voter instructions, and a specimen ballot showing the proper positions
15 to vote on the ballot card for each candidate or public question. The
16 card shall be mounted on material suitable to receive the punched out
17 chip. In counties where absentee voting is conducted by use of an elec-
18 tronic voting system, the special precinct counting board shall, at the
19 time required by chapter fifty-three (53) of the Code, prepare absentee
20 ballots for delivery to the counting center in the manner prescribed by
21 this chapter.

1 SEC. 111. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Counting center established.** Before authorizing
4 the purchase and ordering the use of an electronic voting system under
5 section fifty-two point two (52.2) of the Code, the county board of su-
6 pervisors shall, with advice of the commissioner, determine whether
7 counting center equipment is to be purchased as a part of the system
8 and operated by the county, or the county will enter into an arrange-
9 ment to have its ballots tabulated at a counting center maintained by
10 another county. The arrangement may be reviewed and revised, with
11 approval of the board of supervisors, at any time. If a county acquires
12 and operates a counting center at which ballots cast in one or more
13 other counties are tabulated, the commissioner of the county acquiring
14 and operating the center, or that commissioner's designee, shall be re-
15 sponsible for and in control of the operation of that counting center at
16 all times, regardless of the origin of the ballots being tabulated at any
17 particular time.

1 SEC. 112. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Counting center equipment tested.** Within five
4 days prior to the date of any election at which votes are to be cast by
5 means of an electronic voting system, the commissioner in charge of
6 the counting center where votes so cast are to be tabulated shall have
7 the automatic tabulating equipment tested to ascertain that it will cor-
8 rectly count the votes cast for all offices and on all public questions.
9 The procedure for conducting the test shall be as follows:

10 1. The county chairperson of each political party shall be notified in
11 writing of the time the test will be conducted, so that they may be
12 present or have a representative present. The commissioner may also
13 include such notice in the notice of the election published as required
14 by section forty-nine point fifty-three (49.53) of the Code. The test
15 shall be open to the public.

16 2. The test shall be conducted by processing a preaudited group of
17 ballots punched or marked so as to record a predetermined number of
18 valid votes for each candidate, and on each public question, on the
19 ballot. The test group shall include for each office and each question
20 one or more ballots having votes in excess of the number allowed by
21 law for that office or question, in order to test the ability of the auto-
22 matic tabulating equipment to reject such votes. The county chairper-
23 son of a political party may submit an additional test group of ballots
24 which, if so submitted, shall also be tested. If any error is detected, its

25 cause shall be ascertained and corrected and an errorless count ob-
26 tained before the automatic tabulating equipment is approved. When
27 so approved, a statement attesting to the fact shall be signed by the
28 commissioner and sent immediately to the state commissioner.

29 3. The test group of ballots used for the test shall be clearly labeled
30 as such, and retained in the counting center. The test prescribed in
31 subsection two (2) of this section shall be repeated immediately before
32 the start of the official tabulation of ballots cast in the election, and
33 again immediately after the tabulation is completed. The test group of
34 ballots and the programs used for the counting procedure shall be
35 sealed, retained for the time required for and disposed of in the same
36 manner as ballots cast in the election.

1 SEC. 113. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Commissioner in charge of counting center.** All
4 proceedings at the counting center shall be under the direction of the
5 commissioner and open to the public. The proceedings shall be under
6 the observation of at least one member of each of the political parties
7 referred to in section forty-nine point thirteen (49.13) of the Code, des-
8 ignated by the county chairperson or, if the chairperson fails to make a
9 designation, by the commissioner. No person except those employed
10 and authorized by the commissioner for the purpose shall touch any
11 ballot or ballot container.

1 SEC. 114. Chapter fifty-two (52), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Counting center tabulation procedure.** The tabu-
4 lation of ballots cast by means of an electronic voting system, at a
5 counting center established pursuant to this chapter, shall be conduct-
6 ed as follows:

7 1. The sealed ballot container from each precinct shall be delivered
8 to the counting center by two of the election officials of that precinct,
9 not members of the same political party, who shall travel together in
10 the same vehicle and shall have the container under their immediate
11 joint control until they surrender it to the commissioner or the commis-
12 sioner's designee in charge of the counting center. The commissioner or
13 designee shall, in the presence of the two precinct election officials who
14 delivered the container, enter on a record kept for the purpose that the
15 container was received and the condition of the seal upon receipt.

16 2. After the record required by subsection one (1) of this section has
17 been made, the ballot container shall be opened. If any ballot is found
18 damaged or defective, so that it cannot be counted properly by the au-
19 tomatic tabulating equipment, a true duplicate shall be made in the
20 presence of witnesses and substituted for the damaged or defective bal-
21 lot, or the valid votes on a defective ballot may be manually counted
22 at the counting center by at least two employees of the commissioner,
23 whichever method is best suited to the system being used. All duplicate
24 ballots shall be clearly labeled as such, and shall bear a serial number
25 which shall also be recorded on the damaged or defective ballot.

26 3. The record printed by the automatic tabulating equipment, with
27 the addition of a record of any write-in or other votes manually count-
28 ed pursuant to this chapter, shall constitute the official return of the
29 precinct. Upon completion of the tabulation of the votes from each in-
30 dividual precinct, the result shall be announced and reported in sub-
31 stantially the manner required by section fifty point eleven (50.11) of
32 the Code.

33 4. If for any reason it becomes impracticable to count all or any part
 34 of the ballots with the automatic tabulation equipment, the commis-
 35 sioner may direct that they be counted manually, in accordance with
 36 chapter fifty (50) of the Code so far as applicable.

1 SEC. 115. Section fifty-three point one (53.1), subsection two (2),
 2 Code 1975, is amended to read as follows:

3 2. When, through illness or physical disability, ~~he~~ *the elector* ex-
 4 pects to be prevented from going to the polls and voting on election
 5 day.

1 SEC. 116. Section fifty-three point eight (53.8), Code 1975, is
 2 amended to read as follows:

3 **53.8 Ballot mailed.**

4 1. Upon receipt of an application for an absentee ballot and imme-
 5 diately after the absentee ballots are printed, it shall be the duty of
 6 the commissioner to mail an absentee ballot to the applicant within
 7 twenty-four hours, *except as otherwise provided in subsection three*
 8 *(3) of this section.* The absentee ballot shall be enclosed in an un-
 9 sealed envelope bearing a serial number and affidavit. The absentee
 10 ballot and unsealed envelope shall be enclosed in a carrier envelope
 11 which bears the same serial number as the unsealed envelope. The ab-
 12 sentee ballot, unsealed envelope, and carrier envelope shall be enclosed
 13 in a third envelope to be sent to the qualified elector.

14 2. If an application is received so late that it is unlikely that the ab-
 15 sentee ballot can be returned in time to be counted on election day,
 16 the commissioner shall enclose with the absentee ballot a statement to
 17 that effect. The statement shall also point out that it is possible for the
 18 applicant to personally deliver his completed absentee ballot to the of-
 19 fice of the commissioner at any time before ~~eight o'clock p.m.~~ *the clos-*
 20 *ing of the polls on election day.*

21 3. *When an application for an absentee ballot is received by the*
 22 *commissioner of any county from a qualified elector who is a pa-*
 23 *tient in a hospital in that county or a resident of any facility in*
 24 *that county shown to be a health care facility by the list of licenses*
 25 *provided the commissioner under section one hundred twenty-four*
 26 *(124) of this Act, the absentee ballot shall be delivered to the elector*
 27 *and returned to the commissioner in the manner prescribed by sec-*
 28 *tion one hundred nineteen (119) of this Act. However, if the appli-*
 29 *cation is received more than ten calendar days before the election,*
 30 *the commissioner shall mail to the applicant within twenty-four*
 31 *hours a letter acknowledging receipt of the application and describ-*
 32 *ing the procedure prescribed by section one hundred nineteen (119)*
 33 *of this Act.*

34 *Nothing in this subsection nor in section one hundred nineteen*
 35 *(119) of this Act shall be construed to prohibit a qualified elector*
 36 *who is a hospital patient or resident of a health care facility, or who*
 37 *anticipates entering a hospital or health care facility before the date*
 38 *of a forthcoming election, from casting an absentee ballot in the*
 39 *manner prescribed by section fifty-three point eleven (53.11) of the*
 40 *Code.*

1 SEC. 117. Section fifty-three point seventeen (53.17), Code 1975, is
 2 amended by striking unnumbered paragraphs two (2) and three (3).

1 SEC. 118. Chapter fifty-three (53), Code 1975, is amended by insert-
 2 ing after section fifty-three point nineteen (53.19) the following new
 3 section:

4 **NEW SECTION. Special precinct established.** There is established
 5 in each county a special precinct to be known as the absentee ballot

6 and special voters precinct. Its jurisdiction shall be coterminous with
7 the borders of the county, for the purposes specified by sections one
8 hundred nineteen (119), and one hundred twenty (120) of this Act, and
9 the requirement that precincts not cross the boundaries of legislative
10 districts shall not be applicable to it. The commissioner shall draw up
11 an election board panel for the special precinct in the manner pre-
12 scribed by section forty-nine point fifteen (49.15) of the Code, having
13 due regard for the nature and extent of the duties required of members
14 of the election board and the election officers to be appointed from the
15 panel.

1 SEC. 119. Section fifty-three point twenty-two (53.22), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **53.22 Balloting by confined persons.**

5 1. A qualified elector who has applied for an absentee ballot, in a
6 manner other than that prescribed by section fifty-three point eleven
7 (53.11) of the Code, and who is a resident or patient in a health care
8 facility or hospital located in the county to which the application has
9 been submitted shall be delivered the appropriate absentee ballot by
10 two special precinct election officers, one of whom shall be a member
11 of each of the political parties referred to in section forty-nine point
12 thirteen (49.13) of the Code, who shall be appointed by the commis-
13 sioner from the election board panel for the special precinct established
14 by section one hundred three (103) of this Act. The special precinct
15 election officers shall be sworn in the manner provided by section forty-
16 nine point seventy-five (49.75) of the Code for election board mem-
17 bers, shall receive compensation as provided in section forty-nine point
18 twenty (49.20) of the Code, and shall perform their duties during the
19 ten calendar days preceding the election and on election day if all bal-
20 lots requested under section fifty-three point eight (53.8), subsection
21 three (3), of the Code have not previously been delivered and returned.
22 If a person who so requested an absentee ballot has been dismissed
23 from the health care facility or hospital, the special precinct election
24 officers may take the ballot to the elector if he or she is currently resid-
25 ing in the county. The special precinct election officers shall both no-
26 tarize each absentee ballot delivered by them as required by this
27 chapter; any such officer who is not a notary public shall be provided
28 with a stamp containing that person's name and the words "special
29 precinct election officer" and may notarize the absentee ballots so del-
30 ivered by signing them and applying the stamp. The special precinct
31 election officers shall travel together in the same vehicle and both shall
32 be present when an applicant casts his or her absentee ballot. If either
33 or both of the special election officers fails to appear at the time the
34 duties set forth in this section are to be performed, the commissioner
35 shall at once appoint some other person, giving preference to persons
36 designated by the respective county chairpersons of the political parties
37 described in section forty-nine point thirteen (49.13) of the Code,
38 to carry out the requirements of this section. The persons authorized
39 by this subsection to deliver an absentee ballot to an applicant may as-
40 sist the applicant in filling out the ballot as permitted by section forty-
41 nine point ninety (49.90) of the Code. The voted absentee ballots shall
42 be deposited in a sealed container which shall be returned to the com-
43 missioner on the same day.

44 2. Any qualified elector who becomes a patient or resident of a hos-
45 pital or health care facility within three days prior to the date of any
46 election may request an absentee ballot during that period or on elec-

47 tion day. As an alternative to the application procedure prescribed by
 48 section fifty-three point two (53.2) of the Code, the qualified elector
 49 may make the request directly to the officers who are delivering and
 50 returning absentee ballots under this section. Alternatively, the request
 51 may be made by telephone to the office of the commissioner not later
 52 than four hours before the close of the polls. If the requestor is found
 53 to be a qualified elector of that county, these officers shall deliver the
 54 appropriate absentee ballot to the qualified elector in the manner pre-
 55 scribed by this section.

1 SEC. 120. Section fifty-three point twenty-three (53.23), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **53.23 Special precinct election board.**

5 1. The election board of the absentee ballot and special voters pre-
 6 cinct shall be appointed by the commissioner in the manner prescribed
 7 by sections forty-nine point twelve (49.12) and forty-nine point thirteen
 8 (49.13) of the Code, except that the number of precinct election offi-
 9 cials appointed to the board shall be sufficient to complete the count-
 10 ing of absentee ballots by ten o'clock p.m. on election day.

11 2. The board's powers and duties shall be the same as those provided
 12 in chapter fifty (50) of the Code for precinct election officials in regu-
 13 lar precinct polling places. However, the election board of the special
 14 precinct shall receive from the commissioner and count all absentee
 15 ballots for all precincts in the county; when two or more political sub-
 16 divisions in the county hold elections simultaneously the special pre-
 17 cinct election board shall count absentee ballots cast in all of the
 18 elections so held. The tally list shall be recorded on forms prescribed
 19 by the state commissioner.

20 3. The commissioner shall set the convening time for the board, al-
 21 lowing a reasonable amount of time to complete counting all absentee
 22 ballots by ten o'clock p.m. on election day. The commissioner may di-
 23 rect the board to meet on the day prior to the election solely for the
 24 purpose of reviewing the absentee voters' affidavits appearing on the
 25 sealed ballot envelopes if in the commissioner's judgment this proce-
 26 dure is necessary due to the number of absentee ballots received, but
 27 under no circumstances shall a sealed ballot envelope be opened before
 28 the board convenes on election day.

29 4. The room where members of the special precinct election board
 30 are engaged in counting absentee ballots during the hours the polls are
 31 open shall be policed so as to prevent any person other than those
 32 whose presence is authorized by this subsection from obtaining infor-
 33 mation about the progress of the count. The only persons who may be
 34 admitted to that room are the members of the board, one challenger
 35 representing each political party, one observer representing any non-
 36 party political organization or any candidate nominated by petition
 37 pursuant to chapter forty-five (45) of the Code or any other nonpartisan
 38 candidate in a city or school election appearing on the ballot of
 39 the election in progress, and the commissioner or the commissioner's
 40 designee. It shall be unlawful for any of these persons to communicate
 41 or attempt to communicate, directly or indirectly, information regard-
 42 ing the progress of the count at any time before the polls are closed.

43 5. The special precinct election board shall not release the results of
 44 its tabulation on election day until all of the ballots it is required to
 45 count on that day have been counted, nor release the tabulation of
 46 challenged ballots accepted and counted under chapter fifty (50) of the
 47 Code until that count has been completed.

1 SEC. 121. Section fifty-three point thirty-eight (53.38), Code 1975, is
2 amended to read as follows:

3 **53.38 Affidavit constitutes registration.** Whenever registration
4 is required in order to vote at either the primary election or general
5 election, in the case of voters a ballot is requested pursuant to section
6 fifty-three point thirty-nine (53.39) of the Code on behalf of a voter
7 in the armed forces of the United States, the affidavit upon the ballot
8 envelope of such voter, otherwise qualified if he or she is found to be
9 an eligible elector of the county to which the ballot is submitted,
10 shall constitute a sufficient registration; if registration is required un-
11 der the provisions of chapter 48 and the commissioner shall place the
12 voter's name on the registration record as a qualified elector, if it
13 does not already appear there.

1 SEC. 122. Section sixty-nine point twelve (69.12), subsection one (1),
2 paragraphs a and b, Code 1975, are amended to read as follows:

3 a. A vacancy occurring ~~forty~~ fifty or more days prior to the next
4 pending election that is not a general election or sixty or more days
5 prior to a general election shall be filled at that election. The fact
6 that absentee ballots were distributed or voted before the vacancy oc-
7 curred or was declared shall not invalidate the election.

8 b. A vacancy occurring less than ~~forty~~ fifty days prior to the next
9 pending election that is not a general election or less than sixty days
10 prior to a general election shall be filled by appointment as provided
11 by law until the succeeding pending election.

1 SEC. 123. Section sixty-nine point fourteen (69.14), Code 1975, is
2 amended to read as follows:

3 **69.14 Special election to fill vacancies.** A special election to
4 fill a vacancy shall be held for a representative in Congress, or senator
5 or representative in the general assembly, when the body in which such
6 vacancy exists is in session, or will convene prior to the next general
7 election, and the governor shall order, not later than five days from
8 the date the vacancy exists, a special election, giving not less than for-
9 ty days' notice of such election. In the event the special election is to
10 fill a vacancy in the general assembly while it is in session or within
11 forty-five days of the convening of any session, the time limit herein
12 provided shall not apply and the governor shall order such special elec-
13 tion at the earliest practical time, giving at least ten days' notice there-
14 of. *Any special election called under this section must be held on a*
15 *Tuesday.*

1 SEC. 124. Chapter one hundred thirty-five C (135C), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. License list to county commissioner of elec-**
4 **tions.** To facilitate the implementation of section fifty-three point
5 eight (53.8), subsection three (3) of the Code and section one hundred
6 nineteen (119) of this Act, the commissioner shall provide to each coun-
7 ty commissioner of elections at least annually a list of each licensed
8 health care facility in that county. The list shall include the street ad-
9 dress or location, and the mailing address if it is other than the street
10 address or location, of each facility.

1 SEC. 125. Section one hundred forty-five A point eleven (145A.11),
2 Code 1975, is amended to read as follows:

3 **145A.11 Terms of members.** The terms of members of the board
4 shall be four years, except that members of the initial board shall de-
5 termine their respective terms by lot so that the terms of one-half of
6 the members, as nearly as may be, shall expire at the next general elec-

7 tion. The remaining initial terms shall expire at the following general
 8 election. The successors of the initial board shall be chosen from area
 9 districts at regular elections, and shall be nominated and elected in the
 10 same manner as county hospital trustees as provided in section 347.25,
 11 except that nomination papers on behalf of a candidate shall be signed
 12 by not less than twenty-five ~~qualified~~ *eligible* electors from the area
 13 district, ~~and shall be filed with the board. When nominations are com-~~
 14 ~~plete, the board shall certify the names of the nominees to each county~~
 15 ~~auditor of the respective area districts.~~

1 SEC. 126. Section two hundred seventy-five point twelve (275.12),
 2 subsection two (2), paragraphs b, c and d, Code 1975, are amended to
 3 read as follows:

4 b. Division of the entire school district into designated geographical
 5 subdistricts *on the basis of population*, to be known as director dis-
 6 tricts, each of which director districts shall be represented on the school
 7 board by one director who shall be a resident of such director district
 8 but who shall be elected by the vote of the electors of the entire school
 9 district. The school district shall be divided into the same number of
 10 director districts as the number of school directors the district is autho-
 11 rized by law. The boundaries of such director districts and the area and
 12 population included within each district shall be such as justice, equi-
 13 ty, and the interests of the people may require. *Changes in the bound-*
 14 *aries of director districts shall not be made during a period*
 15 *commencing sixty days prior to the date of the annual school elec-*
 16 *tion.* Insofar as may be practicable, the boundaries of such districts
 17 shall follow established political or natural geographical divisions.

18 c. Election of not more than one-half of the total number of school
 19 directors at large from the entire district and the remaining directors
 20 from and as residents of designated *single-member* director districts in-
 21 to which the entire school district shall be divided *on the basis of pop-*
 22 *ulation.* In such case, all directors shall be elected by the electors of
 23 the entire school district.

24 d. Division of the entire school district into designated geographical
 25 subdistricts *on the basis of population*, to be known as director dis-
 26 tricts, each of which director districts shall be represented on the school
 27 board by one director who shall be a resident of such director district
 28 and who shall be elected by the voters of said director district. Place of
 29 voting in such director districts shall be designated by the ~~county~~
 30 ~~board commissioner.~~

1 SEC. 127. Section two hundred seventy-five point twenty-five
 2 (275.25), unnumbered paragraph two (2), Code 1975, is amended to
 3 read as follows:

4 Provided, however, in cases involving two districts only, where the
 5 population of the new district does not exceed the population of the
 6 more populous of said districts by more than twenty-five percent, the
 7 incumbent board members of said more populous district shall continue
 8 to hold office as the directors of the new district for the remainder of
 9 their elective terms. *Section forty-nine point eight (49.8), subsection*
 10 *four (4) of the Code shall not be construed to permit a director to re-*
 11 *main on the board of any school district after the effective date of a*
 12 *boundary change which places the director's residence outside the*
 13 *boundaries of the district. Vacancies so caused on any board caused*
 14 *by change in boundaries shall be filled in the manner provided in sec-*
 15 *tions 279.6 and 279.7.*

1 SEC. 128. Section two hundred seventy-five point thirty-five
 2 (275.35), Code 1975, is amended to read as follows:

3 **275.35 Change of method of elections.** Any existing or hereafter
 4 created or enlarged school district may change the number of directors
 5 ~~from to either five to or seven~~ and may also change its method of elec-
 6 tion of school directors to any method authorized by section 275.12 by
 7 submission of a proposal, stating the proposed new method of election
 8 and describing the boundaries of the proposed director districts if any,
 9 by the school board of such district to the electors at any regular or
 10 special school election. The school board shall notify the county com-
 11 missioner of elections who shall publish notice of the election in the
 12 manner provided in section 49.53. The election shall be conducted pur-
 13 suant to chapters 39 to 53 by the county commissioner of elections.
 14 Such proposal shall be adopted:-

15 1. ~~If, in a district where the existing method of election of school di-~~
 16 ~~rectors is by election at large, it is approved by a majority of the votes~~
 17 ~~cast on the proposition;~~

18 2. ~~If, in a district which is subdivided into director districts for the~~
 19 ~~election of all or part of the school directors, if it is approved by a ma-~~
 20 ~~jority of the votes cast on the proposition.~~

1 SEC. 129. Section two hundred seventy-seven point six (277.6), Code
 2 1975, is amended to read as follows:

3 **277.6 Territory outside city or county.** If there is within a
 4 school corporation any territory not within the limits of the ~~city or~~
 5 county *whose county commissioner of elections is responsible under*
 6 *section forty-seven point two (47.2) of the Code for conducting that*
 7 *school corporation's elections, the ~~county~~ commissioner of elections*
 8 *may divide the territory which lies outside the ~~city or~~ county but with-*
 9 *in the school district into additional precincts, or may attach the vari-*
 10 *ous parts thereof to ~~such~~ contiguous ~~city or county~~ precincts within the*
 11 *responsible commissioner's county in accordance with section forty-*
 12 *nine point three (49.3) of the Code, and as will best serve the conven-*
 13 *ience of the electors of said territory in voting on school matters.*

1 SEC. 130. Section two hundred seventy-seven point twenty-nine
 2 (277.29), Code 1975, is amended to read as follows:

3 **277.29 Vacancies.** Failure to elect at the proper election or to ap-
 4 point within the time fixed by law or the failure of the officer elected
 5 or appointed to qualify within the time prescribed by law; the incum-
 6 bent ceasing *for any reason* to be a resident of the district or *remov-*
 7 *ing his or her residence from the* subdistrict; the resignation or death
 8 of incumbent or of the officer-elect; the removal of the incumbent
 9 from, or forfeiture of, his office, or the decision of a competent tribu-
 10 nal declaring his office vacant; the conviction of incumbent of an infa-
 11 mous crime or of any public offense involving the violation of his oath
 12 of office, shall constitute a vacancy.

1 SEC. 131. Section two hundred seventy-seven point thirty (277.30),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **277.30 Vacancies filled by election.** When vacancies are to be
 5 filled by election, the provisions of section sixty-nine point twelve
 6 (69.12) of the Code shall control.

1 SEC. 132. Section two hundred seventy-eight point one (278.1), sub-
 2 sections nine (9) and ten (10), Code 1975, are amended to read as fol-
 3 lows:

4 9. Authorize a change ~~from to either five to or seven~~ directors. *The*
 5 *proposition for the change shall specify the number of directors to*
 6 *be elected, and which of the methods of election authorized by sec-*

7 tion two hundred seventy-five point twelve (275.12), subsection two
 8 (2) of the Code is to be used if the change is approved by the voters.
 9 10. Authorize the establishment or abandonment of director districts
 10 or a change of boundaries of director districts. *If a proposition submit-*
 11 *ted to the voters under this subsection is rejected, it may not be re-*
 12 *submitted to the voters of the district in substantially the same form*
 13 *within the next three years; if it is approved, no other proposal may*
 14 *be submitted to the voters of the district under this subsection with-*
 15 *in the next six years.*

1 SEC. 133. Section two hundred seventy-eight point two (278.2),
 2 Code 1975, is amended to read as follows:

3 **278.2 Submission of proposition.** The board may, and upon the
 4 written request of twenty-five ~~voters eligible electors~~ of any district
 5 having a population of five thousand or less, or of fifty ~~voters eligible~~
 6 ~~electors~~ of any other district, shall direct the county commissioner of
 7 elections to provide in the notice of the regular election for submitting
 8 any proposition authorized by law to the voters. *However, when the*
 9 *board has directed the commissioner to submit to the voters a propo-*
 10 *sition authorized by section two hundred seventy-eight point one*
 11 *(278.1), subsections nine (9) or ten (10), it shall not thereafter direct*
 12 *him to submit at the same election any other proposition under ei-*
 13 *ther of these subsections.*

1 SEC. 134. Section two hundred seventy-nine point three (279.3),
 2 Code 1975, is amended to read as follows:

3 **279.3 Appointment of secretary and treasurer.** At the meeting
 4 of the board the first secular day after the seventh day in July the
 5 board shall appoint a secretary who shall not be a teacher or other em-
 6 ployee of the board. It shall also, ~~except in districts composed in whole~~
 7 ~~or in part of a city,~~ appoint a treasurer. ~~Such~~ *These* officers shall be
 8 appointed from outside the membership of the board for terms of one
 9 year beginning with the first secular day after the seventh day in July
 10 which appointment and qualification shall be entered of record in the
 11 minutes of the secretary. They shall qualify within ten days following
 12 ~~their~~ appointment by taking the oath of office in the manner required
 13 by section 277.28 and filing a bond as required by section 291.2 and
 14 shall hold office until their successors are appointed and qualified.

1 SEC. 135. Section two hundred seventy-nine point six (279.6), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Vacancies occurring among the officers or members of a school board
 5 shall be filled by the board by appointment. A person so appointed to
 6 fill a vacancy in an elective office shall hold *office* until ~~the organiza-~~
 7 ~~tion of the board the third Monday in September immediately follow-~~
 8 ~~ing the next regular election and until his~~ a successor is elected and
 9 qualified *pursuant to section sixty-nine point twelve (69.12) of the*
 10 *Code.* A person appointed to fill a vacancy in an appointive office
 11 shall hold such office for the residue of the unexpired term and until
 12 his successor is appointed and qualified. Any person so appointed shall
 13 qualify within ten days thereafter in the manner required by section
 14 277.28.

1 SEC. 136. Section two hundred eighty A point twelve (280A.12),
 2 Code 1975, is amended to read as follows:

3 **280A.12 Governing board.** The governing board of a merged
 4 area shall be a board of directors composed of one member elected
 5 from each director district in the area by the electors of the respective

6 district. Members of the board shall be residents of the district from
 7 which elected. Successors shall be chosen at the annual school elections
 8 for members whose terms expire on the first Monday in October follow-
 9 ing such elections. Terms of members of the board of directors shall be
 10 three years except that members of the initial board of directors elected
 11 at the special election shall determine their respective terms by lot so
 12 that the terms of one-third of the members, as nearly as may be, shall
 13 expire on the first Monday in October of each succeeding year. Vacan-
 14 cies on the board which occur more than ninety days prior to the next
 15 ~~annual~~ regular school election ~~shall~~ *may* be filled at the next regular
 16 meeting of the board by appointment by the remaining members of the
 17 board. ~~The~~ A member so chosen shall be a resident of the district in
 18 which the vacancy occurred and shall serve until ~~the next annual~~
 19 ~~school election, at which election~~ a member shall be elected *pursuant*
 20 *to section sixty-nine point twelve (69.12) of the Code* to fill the va-
 21 cancy for the balance of the unexpired term. A vacancy shall be de-
 22 fined as in section 277.29. No member shall serve on the board of
 23 directors who is a member of a board of directors of a local school dis-
 24 trict or a member of an area education agency board.

1 SEC. 137. Section two hundred eighty A point twenty-three
 2 (280A.23), subsection two (2), Code 1975, is amended to read as follows:

3 2. Change boundaries of director districts in merged areas after each
 4 decennial census, or *after any* change in boundaries of the merged
 5 area, to compensate for changes in population if such population
 6 changes have taken place, or *at any time for the purpose of causing*
 7 *the boundaries of director districts to coincide, where feasible, with*
 8 *the boundary lines of election precincts established pursuant to sec-*
 9 *tions forty-nine point three (49.3) through forty-nine point six*
 10 *(49.6), inclusive, of the Code. However, the director districts shall in*
 11 *all cases be of approximately equal population within each merged*
 12 *area.*

1 SEC. 138. Section two hundred eighty A point thirty-nine (280A.39),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Any merged area may combine with any adjacent area after a favor-
 5 able vote by the electors of each of the areas involved. If the boards of
 6 directors of two or more merged areas agree to a combination, the ques-
 7 tion shall be submitted to the electors of each area at a special election
 8 to be held on the same day in each area. The special election shall not
 9 be held within thirty days of any general election. Prior to the special
 10 election, the board of each merged area shall notify the county com-
 11 missioner of elections of the county in which the greatest proportion of
 12 the merged area's taxable base is located who shall publish notice of
 13 the election ~~at least three times, no oftener than once a week, in one or~~
 14 ~~more newspapers of general circulation within the merged area accord-~~
 15 ~~ing to section forty-nine point fifty-three (49.53) of the Code.~~ The
 16 two respective county commissioners of elections shall conduct the elec-
 17 tion pursuant to the provisions of chapters 39 to 53. The votes cast in
 18 the election shall be canvassed by the county board of supervisors and
 19 the county commissioners of elections who conducted the election shall
 20 certify the results to the board of directors of each merged area.

1 SEC. 139. Section two hundred ninety-six point four (296.4), Code
 2 1975, is amended to read as follows:

3 **296.4 Notice—ballots.** Notice of the election shall be given by
 4 the county commissioner of elections by publication ~~once each week for~~

5 four weeks in some newspaper of general circulation in the district. The
 6 notice shall state the date of the election, the hours of opening and
 7 closing the polls and the exact location thereof, and the questions to be
 8 submitted, and shall be in lieu of any other notice, any other statute
 9 to the contrary notwithstanding in accordance with section forty-
 10 nine point fifty-three (49.53) of the Code. The county commissioner
 11 of elections shall conduct the election pursuant to the provisions of
 12 chapters 39 to 53 and certify the results to the board of directors.

1 SEC. 140. Section two hundred ninety-eight point eighteen (298.18),
 2 unnumbered paragraph five (5), Code 1975, is amended to read as fol-
 3 lows:

4 Notice of the election shall be given by the county commissioner of
 5 elections by publication once each week for four consecutive weeks in a
 6 newspaper of general circulation in the school corporation. Such notice
 7 shall state the date of the election, the hours of opening and closing
 8 the polls and the exact location thereof, and the question to be submit-
 9 ted according to section forty-nine point fifty-three (49.53) of the
 10 Code. The election shall be held on a date not less than four nor more
 11 than twenty days after the last publication of the notice. Such notice
 12 shall be sufficient and shall be in lieu of any other notice required by
 13 any other statute. At such election the ballot used for the submission
 14 of said proposition shall be in substantially the form for submitting
 15 special questions at general elections. The county commissioner of elec-
 16 tions shall conduct the election pursuant to the provisions of chapters
 17 39 to 53 and certify the results to the board of directors. Such proposi-
 18 tion shall not be deemed carried or adopted unless the vote in favor of
 19 such proposition is equal to at least sixty percent of the total vote cast
 20 for and against said proposition at said election. Whenever such a
 21 proposition has been approved by the voters of a school corporation as
 22 hereinbefore provided, no further approval of the voters of such school
 23 corporation shall be required as a result of any subsequent change in
 24 the boundaries of such school corporation.

1 SEC. 141. Section three hundred three B point two (303B.2), un-
 2 numbered paragraph one (1), Code 1975, is amended* to read as fol-
 3 lows:

4 The regional library system shall consist of seven regional boards of
 5 library trustees which shall serve respectively the seven geographic re-
 6 gions specified in this section. Each region shall be divided into geo-
 7 graphic districts, which shall be drawn along county lines and which
 8 shall be represented on regional boards by trustees elected to the
 9 boards in the following numbers and from the following districts:

1 SEC. 142. Section three hundred three B point four (303B.4), Code
 2 1975, is amended to read as follows:

3 **303B.4 Terms.** Regional library trustees shall take office on the
 4 first day of January following the general election and shall serve
 5 terms of four years, except that trustees elected to the initial board in
 6 the year 1974 shall determine their respective terms by lot so that three
 7 members shall serve terms of two years and four members shall serve
 8 terms of four years. A vacancy shall be filled when it occurs not less
 9 than ninety days before the next general election by appointment by
 10 the regional board for the unexpired term. No trustee shall serve on a
 11 local library board or be employed by a library during his or her term
 12 of office as a regional library trustee.

*According to enrolled Act

1 SEC. 143. Section three hundred six C point ten (306C.10), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Political sign" means an outdoor sign of a tem-
4 porary nature, not larger than thirty-two square feet in surface area,
5 erected for the purpose of soliciting votes or support for or in opposi-
6 tion to any candidate or any political party under whose designation
7 any candidate is seeking nomination or election or any public question
8 on the ballot in an election held under the laws of this state.

1 SEC. 144. Chapter three hundred six C (306C), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. It shall be lawful to place political signs on private
4 property with permission of the owner or person in charge of the prop-
5 erty at any time during the period beginning forty-five days before the
6 date of the election to which the signs pertain and ending on the day
7 of the election, even if such placement would otherwise be a violation
8 of this chapter. This section shall not be construed to authorize place-
9 ment of any political sign at any location where it may, because of its
10 size, location, content or coloring constitute a traffic hazard or a detri-
11 ment to traffic safety by obstructing the vision of drivers, by detracting
12 from the visibility of any traffic control device or by being confused
13 with an authorized traffic control device. The exemption from provi-
14 sions of this chapter granted by this section for political signs shall ex-
15 pire on the seventh day following the date of the election to which the
16 signs pertain. A municipal corporation shall adopt no ordinance which
17 prohibits the placement of political signs on private property as per-
18 mitted by this section during the period beginning twenty-one days be-
19 fore the date of the election to which the signs pertain, nor requires
20 removal of the political signs so placed less than seven days after the
21 date of that election.

1 SEC. 145. Section three hundred forty-seven point ten (347.10),
2 Code 1975, is amended to read as follows:

3 **347.10 Vacancies.** Vacancies in the board of trustees ~~shall~~ *may*
4 be filled by an appointment to fill the vacancy by the remaining mem-
5 bers of the board of trustees. ~~In the event that~~ *or, if fewer than four*
6 ~~trustees remain on the board, the vacancies shall be filled by the board~~
7 ~~of supervisors, for the period until the vacancies are filled pursuant~~
8 ~~to section sixty-nine point twelve (69.12) of the Code.~~ Should any
9 board member be absent for four consecutive regular board meetings,
10 without prior excuse, his position shall be declared vacant and filled as
11 set out above.

1 SEC. 146. Section three hundred forty-seven point twenty-five
2 (347.25), unnumbered paragraph one (1), Code 1975, is amended to
3 read as follows:

4 The election of hospital trustees *whose offices are established by*
5 *this chapter or chapter one hundred forty-five A (145A) or three*
6 *hundred forty-seven A (347A) of the Code* shall take place at the gen-
7 eral election on ballots which shall not reflect a nominee's political af-
8 filiation. Nomination shall be made by petition in accordance with
9 chapter 45. The petition form shall be furnished by the county commis-
10 sioner of elections, signed by ~~qualified~~ *eligible* electors of the county
11 equal in number to one percent of the vote cast for president of the
12 United States or governor, as the case may be, by both political parties
13 in the last previous general election, and shall be filed with the county
14 commissioner of elections at least fifty-five days prior to the date of

15 said general election. A plurality shall be sufficient to elect hospital
16 trustees, it being the intent that there be no primary election.

1 SEC. 147. Section three hundred forty-seven A point one (347A.1),
2 Code 1975, is amended as follows:

3 1. By striking from line thirty-two (32) the word "shall" and insert-
4 ing in lieu thereof the word "may".

5 2. By striking from line thirty-four (34) the words "next succeeding
6 general election" and inserting in lieu thereof the words "the vacancies
7 are filled pursuant to section sixty-nine point twelve (69.12) of the
8 Code".

1 SEC. 148. Section three hundred fifty-eight point nine (358.9), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 Vacancies in the office of trustee of a sanitary district ~~shall~~ *may* be
5 filled by the remaining members of the board for the period ~~extending~~
6 ~~to the second secular day of January following the next biennial elec-~~
7 ~~tion, when~~ *until* a trustee shall be elected *pursuant to section sixty-*
8 *nine point twelve (69.12) of the Code* to fill such vacancy for the
9 unexpired term.

1 SEC. 149. Section three hundred sixty-four point two (364.2), subsec-
2 tion four (4), paragraph c, Code 1975, is amended to read as follows:

3 c. Notice of the election shall be given by publication ~~once each~~
4 ~~week for four consecutive weeks as prescribed in section forty-nine~~
5 ~~point fifty-three (49.53) of the Code~~ in a newspaper of general circula-
6 tion in the city. ~~The election shall be held on a day not less than five~~
7 ~~nor more than twenty days after the last publication of notice.~~

1 SEC. 150. Section three hundred seventy-two point thirteen (372.13),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. A vacancy in an elective city office during a term of office ~~must~~
4 ~~may~~ be filled by the council for the period of time until ~~the next regu-~~
5 ~~lar city election~~ *it is filled pursuant to section sixty-nine point*
6 *twelve (69.12) of the Code.*

1 SEC. 151. Section three hundred seventy-six point four (376.4), un-
2 numbered paragraph seven (7), Code 1975, is amended to read as fol-
3 lows:

4 The city clerk shall deliver all nomination petitions to the county com-
5 missioner of elections not later than five o'clock p.m. on the day fol-
6 lowing the last day on which nomination petitions can be filed. Any
7 person on whose behalf nomination petitions have been filed under
8 this section may withdraw as a candidate by filing a signed statement
9 to that effect ~~with the commissioner at any time prior to five o'clock~~
10 ~~p.m. on the twenty-first day before the election as prescribed in sec-~~
11 ~~tion forty-four point nine (44.9) of the Code.~~

1 SEC. 152. Section three hundred eighty-four point twenty-six
2 (384.26), subsection three (3), Code 1975, is amended to read as follows:

3 3. Notice of the election must be given by publication ~~once each~~
4 ~~week for at least three consecutive weeks as required by section forty-~~
5 ~~nine point fifty-three (49.53) of the Code~~ in a newspaper of general
6 circulation in the city. ~~The notice must state the date of the election,~~
7 ~~the hours of opening and closing the polls and the location thereof,~~
8 ~~and the question to be submitted. The election must be held on a date~~
9 ~~not less than four nor more than twenty days after the last publication~~
10 ~~of the notice. Such notice is sufficient and is in lieu of any other notice~~

11 required by any other statute. At the election the ballot used for the
12 submission of the proposition must be in substantially the form for sub-
13 mitting special questions at general elections.

1 SEC. 153. Section three hundred ninety-four point two (394.2), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 It shall not be necessary to submit to the voters the proposition of iss-
5 suing bonds for refunding purposes, but prior to the issuance of bonds
6 for other purposes the council shall submit to the voters of the city at a
7 general election or a regular municipal election the proposition of issu-
8 ing the bonds. Notice of the election on the proposition of issuing
9 bonds shall be published ~~once each week for at least four consecutive~~
10 ~~weeks in a newspaper published in the county, which notice shall state~~
11 ~~the date of the election, the hours of opening and closing the polls and~~
12 ~~the location thereof, the question to be submitted, and as required by~~
13 ~~section forty-nine point fifty-three (49.53) of the Code. The notice~~
14 ~~shall also state whether or not an admission fee is to be charged by the~~
15 ~~zoo or zoological gardens. The election shall be held on a date not less~~
16 ~~than four nor more than twenty days after the last publication of the~~
17 ~~notice.~~

1 SEC. 154. Sections forty-three point forty-four (43.44), forty-three
2 point fifty-nine (43.59), forty-three point seventy (43.70), forty-three
3 point seventy-four (43.74), forty-three point eighty-one (43.81), forty-
4 three point eighty-two (43.82), forty-three point eighty-four (43.84),
5 forty-three point eighty-six (43.86), forty-three point eighty-seven
6 (43.87), forty-three point one hundred two (43.102), forty-three point
7 one hundred five (43.105), forty-three point one hundred ten (43.110),
8 forty-three point one hundred thirteen (43.113), forty-nine point thirty-
9 four (49.34), forty-nine point forty-nine (49.49), forty-nine point fifty-
10 nine (49.59), forty-nine point sixty (49.60), forty-nine point sixty-one
11 (49.61), forty-nine point sixty-two (49.62), two hundred seventy-seven
12 point twenty-six (277.26) and two hundred ninety-six point five (296.5),
13 Code 1975, are repealed.

Approved June 16, 1975

CHAPTER 82

PRESIDENTIAL ELECTORS—EXPENSES

H. F. 229

AN ACT relating to the payment of expenses of presidential electors.

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

1 SECTION 1. Section fifty-four point nine (54.9), Code 1975, is
2 amended to read as follows:

3 **54.9 Compensation.** The electors shall each receive a compensa-
4 tion of five dollars for every day's attendance, and the same mileage
5 as members of the general assembly *which shall be paid from funds*
6 *not otherwise appropriated from the general fund of the state.*

Approved April 8, 1975

CHAPTER 83

EXPENSES OF PERSONS SEEKING EMPLOYMENT

S. F. 521

AN ACT relating to expenses for persons seeking or employed in positions with the state.

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

- 1 SECTION 1. Chapter seventy-nine (79), Code 1975, is amended by
 2 adding the following new section:
 3 NEW SECTION. **Interview or moving expenses.** If approved by
 4 the appointing or employing authority, a person who interviews for a
 5 position with the state shall be reimbursed for expenses incurred in the
 6 interview at the same rate provided for state employees for reimburse-
 7 ment for expenses for state business. If approved by the appointing or
 8 employing authority, a person who is hired in a position with the state
 9 shall receive reimbursement for moving expenses incurred after the
 10 time the person is hired. However, expenses incurred in moving this
 11 person's household goods and other personal effects shall be reimbursed
 12 only to the extent the expense is for the packing and moving of ten
 13 thousand pounds or less of these goods and effects. Also, reimburse-
 14 ment for moving expenses shall not include reimbursement for the ex-
 15 pense of moving animals.

Approved June 16, 1975

CHAPTER 84

HIGHWAY PATROL

H. F. 6

AN ACT relating to political affiliations of highway safety patrol personnel.

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

- 1 SECTION 1. Section eighty point four (80.4), Code 1975, is amended
 2 to read as follows:
 3 **80.4 Highway patrol.** The Iowa highway safety patrol estab-
 4 lished in the department of public safety shall consist of a complement
 5 of not to exceed four hundred ten persons; ~~not more than sixty percent~~
 6 ~~of whom shall at any time be members of the same political party.~~
 7 ~~Said~~ The patrol shall be under the direction of the commissioner.

Approved April 8, 1975

CHAPTER 85
PEACE OFFICERS

H. F. 820

AN ACT relating to the authority of peace officers employed by the department of public safety.

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

1 SECTION 1. Section eighty point nine (80.9), Code 1975, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION.

4 3. They may administer oaths, acknowledge signatures, and take
5 voluntary testimony pursuant to their duties as provided by law.

Approved June 30, 1975

CHAPTER 86
CRIME COMMISSION

S. F. 303

AN ACT relating to the composition and appointment of members of the Iowa crime commission.

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

1 SECTION 1. Section eighty C point six (80C.6), Code 1975, is amend-
2 ed to read as follows:

3 **80C.6 Commission membership.** The commission shall consist
4 of ~~thirty-two~~ nine members *who are concerned with and knowledgeable*
5 *about the problems of criminal justice and who are appointed*
6 *by the governor* as follows:

7 1. ~~Ten~~ Five members shall be officials of cities or counties, appoint-
8 ed by the governor representative of law enforcement and criminal
9 justice agencies maintaining programs to reduce and control crime,
10 two of whom shall be officials of cities or counties, two of whom
11 shall be officials of the state and one of whom shall be a representa-
12 tive of a juvenile justice agency.

13 2. ~~Eleven~~ Four citizen members concerned with and knowledgeable
14 about the problems of criminal justice, appointed by the governor who
15 have demonstrated knowledge and concern in the prevention and
16 control of crime and delinquency. At least one citizen member shall
17 be appointed to represent the citizens of the state who are affected
18 by unemployment, low income or substandard housing.

19 3. ~~Ten~~ officials of the state, as follows:

20 a. The attorney general.

21 b. The commissioner of public safety.

22 c. The director of the division of criminal investigation and bureau
23 of identification.

24 d. The director of the Iowa law enforcement academy.

25 e. The director of the adult corrections services of the department of
26 social services.

27 f. ~~The chief of the Iowa highway safety patrol.~~
 28 ~~The governor shall also appoint one state senator, one state represen-~~
 29 ~~tative, a member of the board of parole and a supreme court justice.~~
 30 4. The governor shall appoint an executive director of the commis-
 31 sion who shall be his official representative, and who shall be the prin-
 32 cipal executive administrator of the commission ~~and shall also be a~~
 33 ~~member of the commission.~~
 34 All commissioners designated by the governor shall serve at the gov-
 35 ernor's pleasure. *No member of the general assembly shall be ap-*
 36 *pointed as a voting member of the commission.*

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 87

SURFACE COAL MINING

S. F. 314

AN ACT relating to the regulation of surface coal mining, imposing additional fees and providing a penalty for violation of the Act.

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

1 SECTION 1. Chapter eighty-three A (83A), Code 1975, is amended by
 2 adding section two (2) of this Act:

1 SEC. 2. NEW SECTION. **Environmental standards.** A surface coal
 2 mining operation for which application for registration is made on and
 3 after July 1, 1976 and, with respect to lands from which the overburden
 4 has not been removed, any coal mining operation existing on July 1,
 5 1976 shall comply with the following environmental standards:

6 1. Spoil, debris, soil, and waste materials from the cut made to ob-
 7 tain access to the coal seam shall be placed according to a plan ap-
 8 proved by the department.

9 2. A diverse, effective and permanent vegetative cover capable of
 10 self-regeneration and plant succession at least equal in extent of cover
 11 to the natural vegetation shall be established on all affected land.
 12 Plant succession includes crop succession if the land had the capability
 13 of the crop succession before registration of a site. Introduced species
 14 may be used in the revegetation process where necessary to achieve the
 15 rehabilitation work required by the department under this chapter. If
 16 the effectiveness of the revegetation requirements of this subsection
 17 cannot be determined by the department before the expiration of the
 18 twelve-month period allowed for rehabilitation pursuant to section
 19 eighty-three A point nineteen (83A.19) of the Code, the department
 20 shall extend the time for rehabilitation as necessary to meet the re-
 21 quirements of this subsection. The department may retain a portion of
 22 the bond or other security under this chapter as necessary to assure per-
 23 formance of the requirements of this subsection.

24 3. Topsoil shall be removed in a separate layer and replaced on the
 25 backfill area, or if not utilized immediately, segregated in a separate
 26 pile from other spoil. For purposes of this chapter "topsoil" means a
 27 nontoxic soil substrate capable of sustaining vegetation as required in
 28 this section. This soil substrate may consist of the A, B, and C soil ho-

29 rizons, a strata beneath these soil horizons, or a mixture of the two.
 30 When the topsoil is not replaced in time to avoid deterioration of the
 31 topsoil, a cover by approved quick-growing plant species shall be main-
 32 tained to preserve the topsoil from wind and water erosion, to free it
 33 from contamination by acid or toxic material from other strata or
 34 drainage, and to assure that the topsoil is in a usable condition for veg-
 35 etation purposes under subsection two (2) of this section. If the topsoil
 36 is of insufficient quantity or of poor quality for sustaining vegetation
 37 and if other strata can be shown to be more suitable for vegetation re-
 38 quirements, the operator shall remove, segregate, preserve, and replace
 39 in a like manner the other strata which is best able to support vegeta-
 40 tion. If the department approves, the operator shall not be required to
 41 separate the topsoil and other strata of subsoil if a mix of the topsoil,
 42 subsoil and soil nutrient is equally suitable for vegetation require-
 43 ments. The operator shall remove, segregate, and replace the mix of
 44 topsoil and other strata in a manner prescribed by the department.

45 4. All coal mine wastes, coal processing wastes, acid forming or other
 46 toxic materials present in the overburden, or other wastes shall be bur-
 47 ied in approved pits and the operator shall stabilize all waste piles in
 48 designated areas through construction and compacted layers with in-
 49 combustibile and impervious materials assuring that the leachate will
 50 not pollute surface or ground waters and that the final contour of the
 51 waste pile will be compatible with natural surroundings and stabilized
 52 and revegetated according to the provisions of this chapter.

53 5. With respect to the use of impoundments for the disposal of coal
 54 mine wastes, coal processing wastes or other liquid or solid wastes, the
 55 operator shall incorporate engineering practices approved by the de-
 56 partment for the design and construction of water retention facilities to
 57 insure that:

58 a. The construction shall be designed to achieve necessary stability
 59 with an adequate margin of safety to protect the health and safety of
 60 the public and shall, at a minimum, be compatible with that of struc-
 61 tures constructed under Public Law 83-566 (Title 16, United States
 62 Code, section 1006).

63 b. Leachate will not pollute surface or ground water.

64 c. Mine wastes which are determined as unsuitable for construction
 65 constituents by sound engineering methods and design practices shall
 66 not be used in the construction of water impoundments, water reten-
 67 tion facilities, dams or settling ponds.

1 SEC. 3. Section eighty-three A point two (83A.2), subsection two (2),
 2 Code 1975, is amended to read as follows:

3 2. "Surface mining" means the mining of coal, gypsum, clay, stone,
 4 sand, gravel or other ores or mineral solids for sale or for processing or
 5 consumption in the regular operation of a business by removing the
 6 overburden lying above *the* natural deposits ~~thereof~~ and mining direct-
 7 ly from the natural deposits ~~thereby~~ exposed, or by mining directly
 8 from deposits lying exposed in their natural state. Removal of overbur-
 9 den and mining of limited amounts of any ores or mineral solids *other*
 10 *than coal* shall not be considered surface mining when done only for
 11 the purpose and to the extent necessary to determine the location,
 12 quantity, or quality of ~~any the~~ natural deposit, ~~so long as no~~ *if the*
 13 ores or mineral solids removed during exploratory excavation or min-
 14 ing are *not* sold, processed for sale, or consumed in the regular oper-
 15 ation of a business.

1 SEC. 4. Section eighty-three A point thirteen (83A.13), Code 1975,
 2 is amended to read as follows:

3 **83A.13 Registering site of mine.**

4 1. Within fifteen days after prior to beginning mining or removal of
5 overburden at any surface mining site not previously registered, an op-
6 erator engaging in mining in this state shall register the site with the
7 department. Application for registration shall be made upon a form
8 provided by the department. The registration fee shall be established
9 by the department in an amount equal to the cost of administering the
10 registration provisions of this chapter, as estimated by the department.
11 The application shall include a description of the tract or tracts of land
12 where the site is located and the estimated number of acres at the site
13 to be affected by the mine. The description shall include the section,
14 township, range, and county in which the land is located and shall oth-
15 erwise describe the land with sufficient certainty to determine the loca-
16 tion and to distinguish the land to be registered from other lands. The
17 application shall include a statement explaining the authority of the
18 applicant's legal right to operate a mine on the land.

19 2. The application shall be accompanied by a mine and rehabili-
20 tation plan which shall include the following:

21 a. The character and thickness of the ores, or mineral solids, and
22 overburden to be disturbed.

23 b. The method of redistribution of the overburden.

24 c. The final configuration of affected land.

25 d. Samples of overburden.

26 e. Data upon which the mine plan is based.

27 3. On the basis of information and data required to be submitted
28 pursuant to this section the department may designate the site for
29 which application for registration is made unsuitable for surface
30 coal mining if:

31 a. The department determines that land rehabilitation required
32 under this chapter is not physically or biologically feasible; or

33 b. The operation results in significant damage to important his-
34 toric, cultural, scientific, and esthetic values and natural systems;
35 or

36 c. The operation results in a substantial loss of or reduction in
37 long-range productivity of water supply or of food or fiber products;
38 or

39 d. The operation substantially endangers life and property, in-
40 cluding areas subject to frequent flooding and areas of unstable ge-
41 ology.

42 Land on which surface coal mining is authorized by the depart-
43 ment pursuant to this chapter on or before July 1, 1975 or where
44 substantial legal and financial commitments for the operation are
45 in existence prior to September 1, 1973 shall not be designated un-
46 suitable.

47 4. A person who falsifies information required to be submitted
48 under this section shall be guilty of a misdemeanor and upon con-
49 viction shall be punished by a fine not to exceed one hundred dol-
50 lars or by imprisonment for a period not to exceed thirty days or be
51 punished by both such fine and imprisonment.

1 SEC. 5. Section eighty-three A point fourteen (83A.14), Code 1975,
2 is amended to read as follows:

3 **83A.14 Bond.** The application for registration shall be accompa-
4 nied by a bond or security as required under sections 83A.23 or 83A.24
5 if overburden is removed. After ascertaining that the applicant is li-
6 censed under section 83A.7 and is not in violation of this chapter with
7 respect to any site previously registered with the department, the de-

8 department shall register the site and shall issue the applicant written au-
9 thorization to conduct surface mining on the site. *Nothing in this*
10 *section shall require land which has been mined or from which over-*
11 *burden has been removed before July 1, 1976 to meet the standards*
12 *in section two (2) of this Act. Authorization shall not be issued to*
13 *conduct surface coal mining in areas designated unsuitable pursu-*
14 *ant to section eighty-three A point thirteen (83A.13) of the Code.*

1 SEC. 6. Section eighty-three A point seventeen (83A.17), unnum-
2 bered paragraph two (2), Code 1975, is amended to read as follows:

3 A bond or security posted under this chapter to assure rehabilitation
4 of land affected by surface mining shall not be released until all reha-
5 bilitation work required by this section *and section two (2) of this Act*
6 has been performed to the department's satisfaction, except when a re-
7 placement bond or security is posted by a new operator under section
8 83A.16.

1 SEC. 7. Section eighty-three A point nineteen (83A.19), Code 1975,
2 is amended to read as follows:

3 **83A.19 Rehabilitation of land.** An operator of a surface mine
4 shall rehabilitate land affected by surface mining within ~~twenty-four~~
5 *twelve* months after the filing of a report required under section 83A.18
6 indicating the mining of any part of a site has been completed. Each
7 operator, upon completion of any rehabilitation work required by sec-
8 tion 83A.17 *and section two (2) of this Act*, shall apply to the depart-
9 ment in writing for approval of the work. The department shall within
10 a reasonable time determined by departmental rule inspect the com-
11 pleted rehabilitation work. Upon determination by the department
12 that the operator has satisfactorily completed all required rehabilita-
13 tion work on the land included in the application, the department
14 shall release the bond or security on the rehabilitated land, shall re-
15 move the land from registration, and shall terminate or amend as nec-
16 cessary the operator's authorization to conduct surface mining on the
17 site.

1 SEC. 8. Section eighty-three A point twenty-one (83A.21), Code
2 1975, is amended to read as follows:

3 **83A.21 Political subdivision engaged in mining.** Any political
4 subdivision of the state of Iowa which engages or intends to engage in
5 surface mining shall meet all requirements of sections 83A.13 to 83A.20
6 *and section two (2) of this Act* except the subdivision shall not be re-
7 quired to post bond or security on registered land. When a political
8 subdivision engaging in surface mining violates any provision of this
9 chapter or any rule adopted by the department pursuant to this chap-
10 ter, the department shall notify the chief administrative officer or gov-
11 erning body of the subdivision. If after a reasonable time determined
12 by the department, the subdivision has not commenced corrective mea-
13 sures approved by the department, the violation shall be referred to
14 the committee. The chief administrative officer or governing body of
15 the subdivision shall be notified in writing of the referral.

1 SEC. 9. Section eighty-three A point twenty-three (83A.23), Code
2 1975, is amended to read as follows:

3 **83A.23 Form of bond.** Each bond filed with the department by
4 an operator pursuant to this chapter shall be in a form prescribed by
5 the department, payable to the state of Iowa, and conditioned upon
6 faithful performance by the operator of all requirements of this chapter
7 and all rules adopted by the department pursuant to this chapter. The
8 bond shall be signed by the operator as principal and by a corporate

9 surety licensed to do business in Iowa as surety. In lieu of a bond, the
 10 operator may deposit cash or government securities with the depart-
 11 ment on the same conditions as prescribed by this section for filing of
 12 bonds. The amount of the bond or other security required to be filed
 13 with an application for registration of a surface mining site, or to in-
 14 crease the area of a site previously registered, shall be equal to the esti-
 15 mated cost of rehabilitating the site as required under section 83A.17
 16 and section two (2) of this Act. The estimated cost of rehabilitation
 17 of each individual site shall be determined by the department on the
 18 basis of relevant factors including, but not limited to, topography of
 19 the site, mining methods being employed, depth and composition of
 20 overburden, and depth of the mineral deposit being mined. The de-
 21 partment may require an applicant for registration or amendment of
 22 registration of a site to furnish information necessary to estimate the
 23 cost of rehabilitating the site. The penalty of the bond or the amount
 24 of cash or securities on deposit may be increased or reduced from time
 25 to time in accordance with section 83A.15.

1 SEC. 10. Section eighty-three A point twenty-eight (83A.28), Code
 2 1975, is amended to read as follows:

3 **83A.28 Forfeiture of bond.** The attorney general, upon request
 4 of the committee, shall institute proceedings for forfeiture of the bond
 5 posted by an operator to guarantee rehabilitation of a site where the
 6 operator is in violation of any of the provisions of this chapter or any
 7 rule adopted by the department pursuant to this chapter. Forfeiture of
 8 the operator's bond shall fully satisfy all obligations of the operator to
 9 rehabilitate affected land covered by the bond. The department shall
 10 have the power to rehabilitate as required by section 83A.17 and sec-
 11 tion two (2) of this Act any surface mined land with respect to which
 12 a bond has been forfeited, using the proceeds of the forfeiture to pay
 13 for the necessary rehabilitation work.

Approved May 15, 1975

CHAPTER 88

OCCUPATIONAL SAFETY AND HEALTH

S. F. 92

AN ACT to amend the occupational safety and health Act including the penalty provided by law.

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

1 SECTION 1. Section eighty-eight point five (88.5), subsection four
 2 (4), Code 1975, is amended to read as follows:

3 4. Labels, warnings, protective equipment. Any standard promul-
 4 gated under this section shall prescribe the use of labels or other appro-
 5 priate forms of warning as are necessary to insure that employees are
 6 appraised of all hazards to which they are exposed, relevant symptoms
 7 and appropriate emergency treatment, and proper conditions and pre-
 8 cautions of safe use or exposure. Where appropriate, such standard
 9 shall also prescribe suitable protective equipment and control or tech-
 10 nological procedures to be used in connection with such hazards and
 11 shall provide for monitoring or measuring employee exposure at such

12 locations and intervals, and in such manner as may be necessary for
 13 the protection of employees. In addition, where appropriate, any such
 14 standard shall prescribe the type and frequency of medical examina-
 15 tions or other tests which shall be made available, by the employer or
 16 at his cost, to employees exposed to such hazard in order to most effec-
 17 tively determine whether the health of such employee is adversely af-
 18 fected by such exposure. The results of such examinations or tests *shall*
 19 *be furnished to the commissioner, and* if released by the employee,
 20 shall be furnished to the employee's physician; *and* the employer's
 21 physician; ~~and the commissioner.~~

1 SEC. 2. Section eighty-eight point five (88.5), subsection seven (7),
 2 Code 1975, is amended to read as follows:

3 7. Special variance. Where there are conflicts with standards, rules
 4 promulgated by any federal agency other than the United States de-
 5 partment of labor, special variances from standards, rules promulgated
 6 under this chapter ~~shall~~ *may* be granted to avoid such regulatory con-
 7 flicts. Such variances shall take into consideration the safety of the em-
 8 ployees involved. Notwithstanding any other provision of this chapter,
 9 and with respect to this paragraph, any employer seeking relief under
 10 this provision must file an application therefor with the commissioner
 11 and the commissioner shall forthwith hold a hearing at which employ-
 12 ees or other interested persons, including representatives of the federal
 13 regulatory agencies involved, may appear and upon the showing that
 14 such a conflict indeed exists the commissioner ~~shall~~ *may* issue a special
 15 variance until the conflict is resolved.

1 SEC. 3. Section eighty-eight point fourteen (88.14), subsection three
 2 (3), Code 1975, is amended to read as follows:

3 3. Nonserious violations. Any employer who has received a cita-
 4 tion for a violation of the requirements of section 88.4, of any stan-
 5 dard, rule or order promulgated pursuant to section 88.5 or of
 6 regulations prescribed pursuant to this chapter and such violation is
 7 specifically determined not to be of a serious nature, may be assessed a
 8 civil penalty of up to one thousand dollars for each such violation; ~~but~~
 9 ~~no penalty shall be assessed for a violation of each such standard, rule~~
 10 ~~or regulation found during the first inspection.~~

Approved February 28, 1975

CHAPTER 89

LABOR COMMISSIONER WITNESSES

H. F. 228

AN ACT relating to the payment of witnesses by the labor commissioner.

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

1 SECTION 1. Section ninety-one point ten (91.10), Code 1975, is
 2 amended to read as follows:

3 **91.10 Power to secure evidence.** The labor commissioner and
 4 his deputy shall have the power to issue subpoenas, administer oaths,
 5 and take testimony in all matters relating to the duties required of
 6 them; ~~said testimony to be taken in some suitable place in the vicinity~~
 7 ~~to which testimony is applicable.~~ No witness shall be compelled by

8 such subpoena to go outside the county of his residence, except when
 9 the hearing is in a county adjoining the county of his residence, then
 10 he shall be required to obey such subpoena attend at a greater dis-
 11 tance than that provided for in section six hundred twenty-two
 12 point sixty-eight (622.68) of the Code. Witnesses subpoenaed and tes-
 13 tifying before the commissioner or an inspector his deputy shall be
 14 paid the same fees as witnesses before a justice's court under section
 15 six hundred twenty-two point sixty-nine (622.69) of the Code, such
 16 payment to be made out of the general funds of the state on voucher
 17 by the commissioner, but such expense for witnesses shall not exceed
 18 one hundred dollars annually appropriated to the bureau of labor.

Approved April 8, 1975

CHAPTER 90

IOWA WAGE PAYMENT COLLECTION LAW

H. F. 351

AN ACT relating to the payment of wages and expenses by an employer and providing a civil money penalty.

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

1 SECTION 1. NEW SECTION. **Short title.** This Act shall be known
 2 and may be referred to as the "Iowa Wage Payment Collection Law".

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act:

2 1. "Commissioner" means the labor commissioner or a designee.

3 2. "Employer" means any person, as defined in chapter four (4) of
 4 the Code, who in this state employs for wages a natural person.

5 3. "Employee" means a natural person who is employed in this state
 6 for wages by an employer. Employee does not mean a licensed person
 7 employed on a contractual basis for professional services. For the pur-
 8 poses of this Act, the following persons engaged in agriculture shall not
 9 be deemed employees:

10 a. The spouse of the employer and relatives of either the employer
 11 or spouse residing on the premises of the employer, and

12 b. Any person engaged in agriculture as an owner-operator or ten-
 13 ant-operator and the spouse or relatives of either who reside on the
 14 premises while exchanging labor with the operator or for other mutual
 15 benefit of any and all such persons.

16 4. "Wages" means compensation owed by an employer for:

17 a. Labor or services rendered by an employee, whether determined
 18 on a time, task, piece, commission, or other basis of calculation.

19 b. Vacation, holiday, sick leave, and severance payments which are
 20 due an employee under an agreement with the employer or under a
 21 policy of the employer.

22 c. Any payments to the employee or to a fund for the benefit of the
 23 employee, including but not limited to payments for medical, health,
 24 hospital, welfare, pension, or profit-sharing, which are due an employ-
 25 ee under an agreement with the employer or under a policy of the em-
 26 ployer. The assets of an employee in a fund for the benefit of the
 27 employee, whether such assets were originally paid into the fund by an
 28 employer or employee, are not wages.

29 5. "Days" means calendar days.

30 6. "Liquidated damages" means the sum of five percent multiplied
31 by the amount of any wages that were not paid or of any authorized
32 expenses that were not reimbursed on a regular payday or on another
33 day pursuant to section three (3) of this Act multiplied by the total
34 number of days, excluding Sundays, legal holidays, and the first seven
35 days after the regular payday on which wages were not paid or expen-
36 ses were not reimbursed. However, such sum shall not exceed the
37 amount of the unpaid wages and shall not accumulate when an em-
38 ployer is subject to a petition filed in bankruptcy.

1 SEC. 3. NEW SECTION. **Mode of payment.**

2 1. An employer shall pay all wages due its employees, less any law-
3 ful deductions specified in section five (5) of this Act, at least in
4 monthly, semimonthly, or biweekly installments on regular paydays
5 which are at consistent intervals from each other and which are des-
6 ignated in advance by the employer. However, if any of these wages
7 due its employees are determined on a commission basis, the employer
8 may, upon agreement with the employee, pay only a credit against
9 such wages. If such credit is paid, the employer shall, at regular inter-
10 vals, pay any difference between a credit paid against wages deter-
11 mined on a commission basis and such wages actually earned on a
12 commission basis. These regular intervals shall not be separated by
13 more than twelve months. A regular payday shall not be more than
14 twelve days, excluding Sundays and legal holidays, after the end of
15 the period in which the wages were earned. An employer and employee
16 may, upon written agreement which shall be maintained as a record,
17 vary the provisions of this subsection.

18 2. The wages paid under subsection one (1) of this section shall be
19 paid in United States currency or by written instrument issued by the
20 employer and negotiable on demand at full face value for such curren-
21 cy, unless the employee has agreed in writing to receive a part of or all
22 wages in kind or in other form.

23 3. The wages paid under subsection one (1) of this section shall be
24 sent to the employee by mail or be paid at the employee's normal
25 place of employment during normal employment hours or at a place
26 and hour mutually agreed upon by the employer and employee.

27 4. The wages paid under subsection one (1) of this section may be
28 delivered to a designee of the employee who is so designated in writing
29 or may be sent to the employee by any reasonable means requested by
30 the employee in writing. A designee under this subsection shall not al-
31 so be an assignee or buyer of wages under section five hundred thirty-
32 nine point four (539.4) of the Code nor a garnisher of the employee un-
33 der chapter six hundred forty-two (642) of the Code, unless the desig-
34 nee complies with the provisions of section five hundred thirty-nine
35 point four (539.4) and chapter six hundred forty-two (642) of the Code.

36 5. If an employee is absent from the normal place of employment on
37 the regular payday, the employer shall, upon demand of the employee
38 made within the first seven days following the regular payday, pay the
39 wages, less any lawful deductions specified in section five (5) of this
40 Act, which were due on that regular payday. However, if demand is
41 not made within this seven-day period, the employer shall, upon de-
42 mand of the employee, pay the wages which were due on a regular
43 payday within the first seven days following the day on which demand
44 is made.

45 6. Expenses by the employee which are authorized by the employer
46 and incurred by the employee shall either be reimbursed in advance of

47 expenditure or be reimbursed not later than thirty days after the em-
 48 ployee's submission of an expense claim. If the employer refuses to pay
 49 all or part of each claim, the employer shall submit to the employee a
 50 written justification of such refusal within the same time period in
 51 which expense claims are paid under this subsection.

1 **SEC. 4. NEW SECTION. Employment suspension or termina-**
 2 **tion—how wages are paid.** When the employment of an employee is
 3 suspended or terminated, the employer shall pay all wages earned, less
 4 any lawful deductions specified in section five (5) of this Act, by the
 5 employee up to the time of the suspension or termination not later
 6 than the next regular payday as provided in section three (3) of this
 7 Act. However, if any of these wages are the difference between a credit
 8 paid against wages determined on a commission basis and such wages
 9 actually earned on a commission basis, the employer shall pay such
 10 difference not more than thirty days after the date of suspension or
 11 termination. If vacations are due an employee under an agreement
 12 with the employer or a policy of the employer establishing pro-rata va-
 13 cation accrued, the increment shall be in proportion to the fraction of
 14 the year which the employee was actually employed.

1 **SEC. 5. NEW SECTION. Deductions from wages.**
 2 1. An employer shall not withhold or divert any portion of an em-
 3 ployee's wages unless:
 4 a. The employer is required or permitted to do so by state or federal
 5 law or by order of a court of competent jurisdiction; or
 6 b. The employer has written authorization from the employee to so
 7 deduct for any lawful purpose accruing to the benefit of the employee.
 8 2. The following shall not be deducted from an employee's wages:
 9 a. Cash shortage in a common money till, cash box, or register oper-
 10 ated by two or more employees or by an employee and an employer.
 11 However, the employer and a full-time employee who is the manager
 12 of an establishment may agree in writing signed by both parties that
 13 the employee will be responsible for a cash shortage that occurs within
 14 forty-five days prior to the most recent regular payday. Not more than
 15 one such agreement shall be in effect per establishment.
 16 b. Losses due to acceptance by an employee on behalf of the em-
 17 ployer of checks which are subsequently dishonored if the employee
 18 has been given the discretion to accept or reject such checks and the
 19 employee does not abuse the discretion given.
 20 c. Losses due to breakage, lost or stolen property, unless such tools
 21 and equipment are specifically assigned to and their receipt acknowl-
 22 edged in writing by the employee from whom the deduction is made,
 23 damage to property, default of customer credit, or nonpayment for
 24 goods or services rendered so long as such losses are not attributable to
 25 the employee's willful or intentional disregard of the employer's inter-
 26 ests.
 27 d. Gratuities received by an employee from customers of the em-
 28 ployer.

1 **SEC. 6. NEW SECTION. Notice and record-keeping requirements.**
 2 1. An employer shall after being notified by the commissioner pursu-
 3 ant to subsection two (2) of this section:
 4 a. Notify its employees in writing at the time of hiring what wages
 5 and regular paydays are designated by the employer.
 6 b. Notify, at least one pay period prior to the initiation of any
 7 changes, its employees of any changes in the arrangements specified in
 8 subsection one (1) of this section that reduce wages or alter the regular

9 paydays. The notice shall either be in writing or posted at a place
10 where employee notices are routinely posted.

11 c. Make available to its employees upon written request, a written
12 statement enumerating employment agreements and policies with re-
13 gard to vacation pay, sick leave, reimbursement for expenses, retire-
14 ment benefits, severance pay, or other comparable matters with respect
15 to wages. Notice of such availability shall be given to each employee
16 in writing or by a notice posted at a place where employee notices are
17 routinely posted.

18 d. Establish, maintain, and preserve for three calendar years the
19 payroll records showing the hours worked, wages earned, and deduc-
20 tions made for each employee and any employment agreements en-
21 tered into between an employer and employee.

22 2. The commissioner shall notify an employer to comply with sub-
23 section one (1) of this section if the employer has paid a claim for un-
24 paid wages or nonreimbursed authorized expenses and liquidated
25 damages under section ten (10) of this Act or if the employer has been
26 assessed a civil money penalty under section twelve (12) of this Act.
27 However, a court may, when rendering a judgment for wages or non-
28 reimbursed authorized expenses and liquidated damages or upholding
29 a civil money penalty assessment, order that an employer shall not be
30 required to comply with the provisions of subsection one (1) of this sec-
31 tion or that an employer shall be required to comply with the provi-
32 sions of subsection one (1) of this section for a particular period of
33 time.

34 3. Within ten working days of a request by an employee, an employ-
35 er shall furnish to the employee a written, itemized statement listing
36 the earnings and deductions made from the wages for each pay period
37 in which the deductions were made together with an explanation of
38 how the wages and deductions were computed. An employer need hon-
39 or only one such request in any calendar year unless the rate of earn-
40 ings, hours or deductions are changed during the calendar year. Each
41 change shall entitle an employee to a further request for an itemized
42 statement.

1 **SEC. 7. NEW SECTION. Wage disputes.** If there is a dispute be-
2 tween an employer and employee concerning the amount of wages or
3 expense reimbursement due, the employer shall, without condition and
4 pursuant to section three (3) of this Act, pay all wages conceded to be
5 due and reimburse all expenses conceded to be due, less any lawful de-
6 ductions specified in section five (5) of this Act. Payment of wages or
7 reimbursement of expenses under this section shall not relieve the em-
8 ployer of any liability for the balance of wages or expenses claimed by
9 the employee.

1 **SEC. 8. NEW SECTION. Damages recoverable by an employ-**
2 **ee.** When it has been shown that an employer has intentionally
3 failed to pay an employee wages or reimburse expenses pursuant to
4 section three (3) of this Act, whether as the result of a wage dispute or
5 otherwise, the employer shall be liable to the employee for any wages
6 or expenses that are so intentionally failed to be paid or reimbursed,
7 plus liquidated damages, court costs and any attorney's fees incurred
8 in recovering the unpaid wages and determined to have been usual and
9 necessary. In other instances the employer shall be liable only for un-
10 paid wages or expenses, court costs and usual and necessary attorney's
11 fees incurred in recovering the unpaid wages or expenses.

1 **SEC. 9. NEW SECTION. General powers and duties of the com-**
2 **missioner.**

3 1. The commissioner shall administer and enforce the provisions of
4 this Act. The commissioner may hold hearings and investigate charges
5 of violations of this Act.

6 2. The commissioner may, consistent with due process of law, enter
7 any place of employment to inspect records concerning wages and pay-
8 rolls, to question the employer and employees, and to investigate such
9 facts, conditions or matters as are deemed appropriate in determining
10 whether any person has violated the provisions of this Act. However,
11 such entry by the commissioner shall only be in response to a written
12 complaint.

13 3. The commissioner may employ such qualified personnel as are
14 necessary for the enforcement of this Act. Such personnel shall be em-
15 ployed pursuant to chapter nineteen A (19A) of the Code.

16 4. The commissioner shall promulgate, pursuant to chapter seven-
17 teen A (17A) of the Code, any rules necessary to carry out the provi-
18 sions of this Act.

1 **SEC. 10. NEW SECTION. Settlement of claims and suits for**
2 **wages.**

3 1. Upon the written complaint of the employee involved, the com-
4 missioner may determine whether wages have not been paid and may
5 constitute an enforceable claim. If for any reason the commissioner de-
6 cides not to make such determination, the commissioner shall so notify
7 the complaining employee within fourteen days of receipt of the com-
8 plaint. The commissioner shall otherwise notify the employee of such
9 determination within a reasonable time and if it is determined that
10 there is an enforceable claim, the commissioner shall, with the consent
11 of the complaining employee, take an assignment in trust for the
12 wages and for any claim for liquidated damages without being bound
13 by any of the technical rules respecting the validity of the assignment.
14 However, the commissioner shall not accept any complaint for unpaid
15 wages and liquidated damages after one year from the date the wages
16 became due and payable.

17 2. The commissioner with the assistance of the office of the attorney
18 general if the commissioner requests such assistance, shall, unless a set-
19 tlement is reached under this subsection, commence a civil action in
20 any court of competent jurisdiction to recover for the benefit of any
21 employee any wage and liquidated damages' claims that have been as-
22 signed to the commissioner for recovery. With the consent of the as-
23 signing employee, the commissioner may also settle a claim on behalf
24 of the assigning employee. Proceedings under this subsection and sub-
25 section one (1) of this section that precede commencement of a civil ac-
26 tion shall be conducted informally without any party having a right to
27 be heard before the commissioner. The commissioner may join various
28 assignments in one claim for the purpose of settling or litigating their
29 claims.

30 3. The provisions of subsection one (1) and two (2) of this section
31 shall not be construed to prevent an employee from settling or bringing
32 an action for damages under section eight (8) of this Act if the employ-
33 ee has not assigned the claim under subsection one (1) of this section.

34 4. Any recovery of attorney's fees, in the case of actions brought un-
35 der this section by the commissioner, shall be remitted by the commis-
36 sioner to the treasurer of state for deposit in the general fund of the
37 state. Also, the commissioner shall not be required to pay any filing
38 fee or other court costs.

39 5. An employer shall not discharge or in any other manner discrimi-
40 nate against any employee because such employee has filed a com-

41 plaint, assigned a claim, or brought an action under this section or has
42 cooperated in bringing any action against an employer.

1 SEC. 11. NEW SECTION. **Wage claims brought under reciprocity.**

2 1. The commissioner may enter into reciprocal agreements with the
3 labor department or corresponding agency of any other state or its rep-
4 representatives for the collection in such other states of claims or judg-
5 ments for wages and other demands based upon claims assigned to the
6 commissioner.

7 2. The commissioner may, to the extent provided for by any recipro-
8 cal agreement entered into by law or with an agency of another state
9 as provided in this section, maintain actions in the courts of such other
10 state to the extent permitted by the laws of that state for the collection
11 of claims for wages, judgments and other demands and may assign
12 such claims, judgments and demands to the labor department or agen-
13 cy of such other state for collection to the extent that such an assign-
14 ment may be permitted or provided for by the laws of such state or by
15 reciprocal agreement.

16 3. The commissioner may, upon the written consent of the labor de-
17 partment or other corresponding agency of any other state or its repre-
18 sentatives, maintain actions in the courts of this state upon assigned
19 claims for wages, judgments and demands arising in such other state in
20 the same manner and to the same extent that such actions by the com-
21 missioner are authorized when arising in this state. However, such ac-
22 tions may be maintained only in cases in which such other state by law
23 or reciprocal agreement extends a like comity to cases arising in this
24 state.

1 SEC. 12. NEW SECTION. **Civil penalties.**

2 1. Any employer who violates the provisions of this Act or the rules
3 promulgated under it shall be subject to a civil money penalty of not
4 more than one hundred dollars for each violation. The commissioner
5 may recover such civil money penalty according to the provisions of
6 subsections two (2) through five (5) of this section. Any civil money
7 penalty recovered shall be deposited in the general fund of the state.

8 2. The commissioner may propose that an employer be assessed a
9 civil money penalty by serving the employer with notice of such pro-
10 posal in the same manner as an original notice is served under the
11 rules of civil procedure. Upon service of such notice, the proposed as-
12 sessment shall be treated as a contested case under chapter seventeen A
13 (17A) of the Code. However, an employer must request a hearing with-
14 in thirty days of being served.

15 3. If an employer does not request a hearing pursuant to subsection
16 two (2) of this section or if the commissioner determines, after an ap-
17 propriate hearing, that an employer is in violation of this Act, the
18 commissioner shall assess a civil money penalty which is consistent
19 with the provisions of subsection one (1) of this section and which is
20 rendered with due consideration for the penalty amount in terms of
21 the size of the employer's business, the gravity of the violation, the
22 good faith of the employer, and the history of previous violations.

23 4. An employer may seek judicial review of any assessment ren-
24 dered under subsection three (3) of this section by instituting proceed-
25 ings for judicial review pursuant to chapter seventeen A (17A) of the
26 Code. However, such proceedings must be instituted in the district
27 court of the county in which the violation or one of the violations oc-
28 curred and within thirty days of the day on which the employer was
29 notified that an assessment has been rendered. Also, an employer may
30 be required, at the discretion of the district court and upon instituting

31 such proceedings, to deposit the amount assessed with the clerk of the
 32 district court. Any moneys so deposited shall either be returned to the
 33 employer or be forwarded to the commissioner for deposit in the gener-
 34 al fund of the state, depending on the outcome of the judicial review,
 35 including any appeal to the supreme court.

36 5. After the time for seeking judicial review has expired or after all
 37 judicial review has been exhausted and the commissioner's assessment
 38 has been upheld, the commissioner shall request the attorney general
 39 to recover the assessed penalties in a civil action.

1 SEC. 13.

2 1. *This Act shall not authorize the commissioner or any other per-
 3 son to take any assignment of wages or commence any action that is
 4 based on an act committed prior to the effective date of this Act.

1 SEC. 14. Section seventy-nine point one (79.1), unnumbered para-
 2 graph one (1), Code 1975, is amended to read as follows:

3 Salaries specifically provided for in an appropriation Act of the gen-
 4 eral assembly shall be in lieu of existing statutory salaries, for the posi-
 5 tions provided for in any such Act, and all salaries shall be paid in
 6 equal monthly, semimonthly or biweekly installments according to the
 7 provisions of this Act and shall be in full compensation of all services,
 8 except as otherwise expressly provided. All employees of the state in-
 9 cluding highway maintenance employees of the state department of
 10 transportation shall earn two weeks' vacation per year during the first
 11 year of employment and through the fourth year of employment, and
 12 three weeks' vacation per year during the fifth and through the elev-
 13 enth year of employment, and four weeks' vacation per year during
 14 the twelfth year and all subsequent years of employment, with pay.
 15 One week vacation shall be equal to the number of hours in the em-
 16 ployee's normal work week. Vacation allowances shall be accrued on a
 17 pay period, monthly, or quarterly basis according to the provisions of
 18 this Act as provided by the rules of the Iowa merit employment de-
 19 partment. Said vacations shall be granted at the discretion and conven-
 20 ience of the head of the department, agency or commission, except
 21 that in no case may an employee be granted vacation in excess of the
 22 amount earned by him. In the event that the employment of an em-
 23 ployee of the state shall be is terminated for any reason other than a
 24 discharge for good cause, he shall be paid a vacation allowance for any
 25 vacation which he may have earned prior to such termination, and
 26 which he has not yet taken. For the purposes of this section, death of
 27 an employee shall be considered a termination of employment which
 28 shall require payment of such vacation allowances as might be payable
 29 for any other termination the provisions of this Act relating to such
 30 termination shall apply.

1 SEC. 15. Sections four hundred seventy-seven point fifty-one
 2 (477.51) and four hundred seventy-seven point fifty-two (477.52), Code
 3 1975, are repealed.

Approved June 3, 1975

*According to enrolled Act

CHAPTER 91

ENERGY POLICY COUNCIL

S. F. 214

AN ACT relating to the membership of the energy policy council.

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

1 SECTION 1. Section ninety-three point two (93.2), Code 1975, is
2 amended to read as follows:

3 **93.2 Establishment.** There is established an energy policy coun-
4 cil which shall consist of ~~thirteen~~ fifteen members. Two members shall
5 be appointed by the president of the senate from the membership of
6 the senate with no more than one member being appointed from the
7 same political party. Two members shall be appointed by the speaker
8 of the house of representatives from the members of the house with no
9 more than one member being appointed from the same political party.
10 The governor shall appoint five members who shall be reasonably
11 knowledgeable in the field of energy. Not more than three of the gov-
12 ernor's appointees shall be of the same political party. They shall be
13 subject to confirmation by two-thirds of the membership of the senate.
14 The state geologist, the secretary of agriculture, the chairman of the
15 Iowa state commerce commission, *the administrative officer of the*
16 *state soil conservation committee, the director of transportation and*
17 *the executive director of environmental quality shall serve as ex officio*
18 *nonvoting members of the council. If an ex officio nonvoting member*
19 *is unable to attend a meeting of the council, the member shall desig-*
20 *nate a replacement who shall be authorized to represent the member*
21 *at the meeting.*

Approved May 15, 1975

CHAPTER 92

EMPLOYMENT SECURITY

S. F. 485

AN ACT relating to employment security.

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

1 SECTION 1. Section ninety-six point three (96.3), subsection three
2 (3), Code 1975, is amended by striking the subsection and inserting in
3 lieu thereof the following:

4 3. Partial unemployment. Each individual who is partially unem-
5 ployed in any week as defined in section ninety-six point nineteen
6 (96.19), subsection ten (10), paragraph b, of the Code, and who meets
7 the conditions of eligibility for benefits shall be paid with respect to
8 such week an amount equal to that individual's weekly benefit amount
9 less fifty percent of that part of wages payable to him with respect to
10 such week in excess of fifteen dollars. Such benefits shall be rounded to
11 the higher multiple of one dollar.

1 SEC. 2. Section ninety-six point three (96.3), subsection four (4),
2 Code 1975, is amended to read as follows:

3 4. Determination of benefits. ~~An~~ *With respect to benefit years be-*
 4 *ginning on or after July 1, 1975, an eligible individual's weekly benefi-*
 5 *fit amount for a week of total unemployment shall be an amount*
 6 *equal to one-twentieth of his total wages in insured work paid during*
 7 *that quarter of his base period in which such total wages were highest,*
 8 *subject to the following limitation: The commission shall determine*
 9 *annually a maximum weekly benefit amount by computing ~~fifty-five~~*
 10 *sixty-six and two-thirds percent of the statewide average weekly wage*
 11 *paid to employees in insured work which shall be effective the first day*
 12 *of the first full week in July. Such maximum weekly benefit amount,*
 13 *if not a multiple of one dollar shall be rounded to the ~~nearest higher~~*
 14 *multiple of one dollar.*

15 ~~Such computation shall be made by determining gross wages as paid~~
 16 ~~for insured work~~ *For the purposes of this subsection statewide aver-*
 17 *age weekly wage means the amount computed by the commission at*
 18 *least once a year on the basis of the aggregate amount of wages re-*
 19 *ported by employers in each preceding twelve-month period ending on*
 20 *December 31 and ~~dividing said gross wages divided by a~~ the figure re-*
 21 *sulting that results from fifty-two times the average of mid-month em-*
 22 *ployment reported by employers for the same period. In determining*
 23 *the aggregate amount of wages paid statewide, the commission shall*
 24 *disregard any limitation on the amount of wages subject to contri-*
 25 *butions under state law.*

1 SEC. 3. Section ninety-six point three (96.3), subsection five (5),
 2 Code 1975, is amended to read as follows:

3 5. Duration of benefits. The maximum total amount of benefits
 4 payable to any eligible individual during any benefit year shall not
 5 exceed the total of the wage credits accrued to his account during his
 6 base period, or twenty-six times his weekly benefit amount, whichever
 7 is the lesser. The commission shall maintain a separate account for
 8 each individual who earns wages in insured work. The commission
 9 shall compute wage credits for each individual by crediting his account
 10 with ~~one-third~~ *one-half* of the wages for insured work paid him during
 11 his base period. Benefits paid to an eligible individual shall be charged
 12 against the base period wage credits in his account which have not
 13 been previously charged hereunder, in the ~~same~~ *inverse* chronological
 14 order as the wages on which such wage credits are based were paid.
 15 *However if the state and national "off indicators" are in effect the*
 16 *maximum benefits payable shall be extended to thirty-nine times*
 17 *his weekly benefit amount, but not to exceed the total of the wage*
 18 *credits accrued to his account.*

1 SEC. 4. Section ninety-six point four (96.4), subsections one (1),
 2 three (3), four (4), and seven (7), Code 1975, are amended to read as
 3 follows:

4 1. He has registered for work at and thereafter has continued to re-
 5 port at an employment office in accordance with such regulations as
 6 the commission may prescribe. *The provisions of this subsection shall*
 7 *be waived if the individual is deemed temporarily unemployed as*
 8 *defined in section thirty-two (32)* of this Act.*

9 3. He is able to work, is available for work, and is earnestly and ac-
 10 tively seeking work. *The provision of this subsection shall be waived*
 11 *if he is deemed temporarily unemployed as defined in section*
 12 *thirty-two (32)* of this Act.*

13 4. Prior to any week, in any benefit year, for which he claims benefi-
 14 fits he ~~has been totally~~ *is* unemployed for a waiting period of one week

*See amendment by ch 67, §10 of these Acts

15 ~~(and for the purposes of this subsection, two weeks of partial unem-~~
 16 ~~ployment shall be deemed to be equivalent to one week of total unem-~~
 17 ~~ployment). Such weeks of total or partial unemployment or both need~~
 18 ~~not be consecutive.~~ The one-week waiting period shall be waived and
 19 become compensable after unemployment during which benefits are
 20 payable for five consecutive weeks. No week shall be counted as a week
 21 of total unemployment for the purposes of this subsection:

22 a. If benefits have been paid with respect thereto;

23 b. Unless the individual was eligible for benefits with respect thereto
 24 in all respects except for the requirements of subsections 2 and 5 of this
 25 section;

26 c. Unless it occurs after benefits first could become payable to any
 27 individual under this chapter.

28 7. Notwithstanding any other provisions in this subsection, no other-
 29 wise eligible individual shall be denied benefits for any week because
 30 he is in training with the approval of the commission, nor shall such
 31 individual be denied benefits with respect to any week in which he is
 32 in training with the approval of the commission by reason of the appli-
 33 cation of the provision in subsection 3 of this section relating to availa-
 34 bility for work, and an active search for work or the provision of
 35 section 96.5, subsection 3, relating to failure to apply for or a refusal to
 36 accept suitable work. *However no employer's account shall be*
 37 *charged with benefits so paid.*

1 SEC. 5. Section ninety-six point five (96.5), subsection one (1), para-
 2 graph a, Code 1975, is amended to read as follows:

3 a. He left his employment in good faith for the sole purpose of ac-
 4 cepting ~~better~~ *other* employment, which he did accept, and that he re-
 5 mained continuously in said new employment for not less than six
 6 weeks. Wages earned with the employer that he has left shall, for the
 7 purpose of computing and charging benefits, be deemed wages earned
 8 from the employer with whom the individual accepted ~~better~~ *other*
 9 employment and benefits shall be charged to the employer with whom he
 10 accepted ~~better~~ *other* employment. The commission shall advise the
 11 chargeable employer of the name and address of the ~~other~~ *former* em-
 12 ployer, the period covered, and the extent of benefits which may be
 13 charged to the account of the chargeable employer. In those cases
 14 where the new employment is in another state, no employer's account
 15 shall be charged with benefits so paid except that employers who are
 16 required by law or by their election to reimburse the fund for benefits
 17 paid shall be charged with benefits under this paragraph. *In those*
 18 *cases where he left his employment in good faith for the sole pur-*
 19 *pose of accepting better employment, which he did accept and such*
 20 *employment is terminated by the employer, or he is laid off after*
 21 *one week but prior to the expiration of six weeks, the claimant, pro-*
 22 *vided he is otherwise eligible under this chapter, shall be eligible for*
 23 *benefits and such benefits shall not be charged to any employer's ac-*
 24 *count.*

1 SEC. 6. Section ninety-six point five (96.5), subsection one (1), para-
 2 graph d, Code 1975, is amended to read as follows:

3 d. He *or she* left his employment because of illness, ~~or~~ *injury or*
 4 *pregnancy* upon the advice of a licensed and practicing physician, and
 5 upon knowledge of the necessity for such absence immediately notified
 6 his employer, or his employer consented to such absence, and after re-
 7 covering from such illness, ~~or~~ *injury or pregnancy* when recovery is
 8 certified by a licensed and practicing physician, he returned to his em-
 9 ployer and offered his service and his regular work or comparable suit-

10 able work was not available, if so found by the commission, provided
11 he is otherwise eligible.

1 SEC. 7. Section ninety-six point five (96.5), subsection one (1), para-
2 graphs g and h, Code 1975, are amended to read as follows:

3 g. In the case where he left his work voluntarily without good cause
4 attributable to his employer under circumstances which did or would
5 disqualify him for benefits, *except as provided in paragraph a of sub-*
6 *section one (1) of section ninety-six point five (96.5) of the Code* under
7 this subsection he, subsequent to such leaving, worked in and was
8 paid wages for insured work in an amount not less than nine times the
9 claimant's weekly benefit amount, provided he is otherwise eligible,
10 ~~but in.~~

11 h. In the event extended benefits are in effect as provided for by
12 this chapter, then benefits shall not be withheld after twelve consecu-
13 tive weeks of unemployment from the date he quits, during which time
14 he shall be actively and earnestly seeking employment.

15 h i. "Principal support" shall mean exclusive of the earnings of any
16 child of the wage earner.

1 SEC. 8. Section ninety-six point five (96.5), subsection two (2), Code
2 1975, is amended by striking the subsection and inserting in lieu there-
3 of the following:

4 2. Discharge for misconduct. If the commission finds that he has
5 been discharged for misconduct in connection with his employment:

6 a. He shall forfeit one to nine weeks benefits.

7 b. Provided further, if gross misconduct is established, he shall forfeit
8 from ten weeks benefits to the maximum amount payable in his
9 current benefit period.

10 c. Gross misconduct is deemed to have occurred after a claimant loses
11 employment as a result of an act constituting an indictable offense
12 in connection with his employment, provided the claimant is duly convicted
13 thereof or has signed a statement admitting that he has committed
14 such an act. Determinations regarding a benefit claim may be
15 redetermined within five years from the effective date of the claim.
16 Any benefits paid to a claimant prior to a determination that the
17 claimant has lost employment as a result of such act shall not be considered
18 to have been accepted by the claimant in good faith.

1 SEC. 9. Section ninety-six point five (96.5), subsection five (5), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 For any week with respect to which he is receiving, *or* has received,
5 ~~or is entitled to receive~~ payment in the form of:

1 SEC. 10. Section ninety-six point five (96.5), subsection five (5),
2 paragraph c, Code 1975, is amended to read as follows:

3 c. Old-age benefits under title II of the Social Security Act (42 USC,
4 chapter 7), as amended, or similar retirement payments under any Act
5 of Congress; ~~provided that the commission shall withhold payments~~
6 ~~under this chapter if it has reason to believe a claimant is entitled to~~
7 ~~benefits under title II of the Social Security Act of the United States~~
8 ~~or any similar payments under any other Act of Congress, until such~~
9 ~~time as the claimant files with the commission satisfactory evidence~~
10 ~~that he is not entitled to such benefits however only fifty percent of~~
11 ~~the old-age benefits under title II of the Social Security Act shall be~~
12 ~~deducted from his weekly benefits;~~

1 SEC. 11. Section ninety-six point five (96.5), Code 1975, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. Administrative penalty. If the commission
4 finds that, with respect to any week of an insured worker's unemploy-
5 ment for which such person claims waiting week credit or benefits, such
6 person has, within the thirty-six calendar months immediately preced-
7 ing such week, with intent to defraud by obtaining any benefits not
8 due under this chapter, willfully and knowingly made a false state-
9 ment or misrepresentation, or willfully and knowingly failed to dis-
10 close a material fact; such person shall be disqualified for the week in
11 which the commission makes such determination, and forfeit all benefit
12 rights under the unemployment compensation law for a period of not
13 more than the remaining benefit period as determined by the commis-
14 sion according to the circumstances of each case. Any penalties im-
15 posed by this subsection shall be in addition to those otherwise
16 prescribed in this chapter.

1 SEC. 12. Section ninety-six point six (96.6), subsection two (2), Code
2 1975, is amended to read as follows:

3 2. Initial determination. A representative designated by the commis-
4 sion shall promptly notify all interested parties to the claim of the fil-
5 ing thereof, and said parties shall have seven days from the date of
6 mailing the notice of the filing of said claim by ordinary mail to the
7 last known address to protest payment of benefits to said claimant.
8 The representative shall promptly examine the claim and any protest
9 thereto and, on the basis of the facts found by him, shall either deter-
10 mine whether or not such claim is valid, the week with respect to which
11 benefits shall commence, the weekly benefit amount payable and the
12 maximum duration thereof, and whether any disqualification shall be
13 imposed, or shall refer such claim or any question involved therein to
14 an appeal tribunal or to the commission, which shall make its determi-
15 nation with respect thereto in accordance with the procedure described
16 in subsection 3 of this section, ~~except that in any case in which the~~
17 ~~payment or denial of benefits will be determined by the provisions of~~
18 ~~section 96.5, subsection 4, the representative shall promptly transmit~~
19 ~~his full findings of fact with respect to that subsection to the commis-~~
20 ~~sion, which, on the basis of the evidence submitted and such additional~~
21 ~~evidence as it may require, shall affirm, modify, or set aside such find-~~
22 ~~ings of fact and transmit to the representative a decision upon the is-~~
23 ~~sues involved under that subsection. The representative shall promptly~~
24 ~~notify the claimant and any other interested party of the decision and~~
25 ~~the reasons therefor.~~ Unless the claimant or other interested party, af-
26 ter notification or within ten calendar days after such notification was
27 mailed to his last known address, files an appeal from such decision,
28 such decision shall be final and benefits shall be paid or denied in ac-
29 cordance therewith. If an appeal tribunal affirms a decision of the rep-
30 resentative, or the commission affirms a decision of an appeal tribunal,
31 allowing benefits, such benefits shall be paid regardless of any appeal
32 which may thereafter be taken, but if such decision is finally reversed,
33 no employer's account shall be charged with benefits so paid.

1 SEC. 13. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph a, subparagraph two (2), Code 1975, is amended by adding
3 the following new sentence:

4 NEW SENTENCE. No employer's account shall be charged with bene-
5 fit payments made to any individual who quit such employment, but
6 shall be charged to the account of the next succeeding employer with
7 whom the individual requalified for benefits as determined under para-

8 graph g of subsection one (1) of section ninety-six point five (96.5) of
9 the Code.

1 SEC. 14. Section ninety-six point seven (96.7), subsection three (3),
2 paragraph e, Code 1975, is amended to read as follows:

3 e. No employer's rate for the period of ~~twelve~~ *three* months com-
4 mencing ~~January~~ *July 1* of any ~~calendar~~ year after ~~December 31, 1937~~
5 *June 30, 1975*, shall be less than two and seven-tenths percent, unless
6 the total assets of the fund, excluding contributions not yet paid at the
7 beginning of such ~~calendar year~~ *three-month period*, exceed the total
8 benefits paid from the fund within the last preceding ~~calendar year~~
9 *twelve-month period provided, that such assets exceed for the next*
10 *three-month period, the total benefits paid from the fund within the*
11 *last preceding twelve-month period*; and no employer's rate shall be
12 less than one and eight-tenths percent unless such assets at such time
13 were at least twice the total benefits paid from the fund within such
14 last ~~preceding year~~ *twelve-month period, provided that such assets*
15 *exceed, for the next three-month period, the total benefits paid from*
16 *the fund within such last preceding twelve-month period.*

1 SEC. 15. Section ninety-six point seven (96.7), subsection four (4),
2 paragraphs a and b, Code 1975, are amended to read as follows:

3 a. As soon as practicable and in any event within two years after an
4 employer has filed reports, as required by the commission pursuant to
5 section 96.11, subsection 7, the commission shall examine such reports
6 and determine the correct amount of contributions due, and the
7 amount so determined by the commission shall be the contributions
8 payable. If the contributions found due shall be greater than the
9 amount theretofore paid, ~~the excess, together with interest as provided~~
10 ~~in this chapter, shall be paid by the employer within thirty days after~~
11 ~~the commission shall have given notice thereof to the employer by cer-~~
12 ~~tified mail the notice with respect to the additional contributions,~~
13 ~~together with any interest and penalty, shall be sent by certified~~
14 ~~mail. A lien shall attach as provided in section twenty-four (24)* of~~
15 ~~this Act if the assessment is not paid or appealed within thirty days~~
16 ~~of the date of the notice of assessment.~~

17 b. If the commission discovers from the examination of the reports
18 or otherwise that wages payable for employment, or any part thereof,
19 have not been listed in the reports, or that no reports were filed when
20 due, or that reports have been filed showing contributions due but no
21 contributions in fact have been paid, it may at any time within five
22 years after the time such reports were due, determine the correct
23 amount of contributions payable, together with interest as provided in
24 this chapter. ~~The amount so determined shall be paid within thirty~~
25 ~~days after the commission shall have given notice thereof to the em-~~
26 ~~ployer by certified mail. The amount so determined shall be assessed~~
27 ~~and a lien shall attach as provided in paragraph a of this subsec-~~
28 ~~tion.~~

1 SEC. 16. Section ninety-six point seven (96.7), subsection eight (8),
2 Code 1975, is amended to read as follows:

3 8. Financing benefits paid to state employees *and to employees of*
4 *the state's political subdivisions.*

5 a. Any state agency, board, commission, department, or instrumen-
6 tality thereof, other than state-owned hospitals and institutions of
7 higher education, which, pursuant to section 96.19, subsection 6, para-
8 graph "h", is, or becomes, subject to this chapter on or after January 1,

*See amendment by ch 67, §11 of these Acts

9 1972, shall pay to the commission for the unemployment fund an
 10 amount equal to the amount of regular benefits and of one-half of the
 11 extended benefits paid, that is attributable to service in the employ of
 12 such state agency, board, commission, department, or instrumentality
 13 thereof. Such payments shall be made in accordance with the provi-
 14 sions of subsection 9, paragraph "b" hereof.

15 b. State agencies, boards, commissions, and departments, except
 16 board of regents institutions and the state fair board, shall, after ap-
 17 proving the billing provided for in subsection 9, paragraph "b", submit
 18 the billing to the state comptroller to be paid out of any moneys in the
 19 state treasury not otherwise appropriated. The state comptroller shall
 20 be reimbursed for payments made on behalf of agencies, boards, com-
 21 missions, or departments which have revolving, special, trust or federal
 22 funds from which the payments can be made.

23 c. *The amount of payment required from each political subdivi-*
 24 *sion of the state shall be ascertained by the employment security*
 25 *commission and shall be paid from the general funds of such local*
 26 *governmental employers at such time and in such manner as may*
 27 *be prescribed by the commission and approved by the comptrollers*
 28 *and auditors of the respective local governmental employers, except*
 29 *that to the extent that benefits are paid on the basis of wages paid*
 30 *by local governmental employers from special administrative funds,*
 31 *the payment into the unemployment compensation fund shall be*
 32 *made from such special funds.*

1 SEC. 17. Section ninety-six point seven (96.7), subsection ten (10),
 2 Code 1975, is amended to read as follows:

3 10. Provision of bond or other security. ~~In the discretion of the com-~~
 4 ~~mission, any~~ Any nonprofit organization that elects to become liable
 5 for payments in lieu of contributions shall be required within thirty
 6 days after the effective date of its election to execute and file with the
 7 commission a surety bond approved by the commission or it may elect
 8 instead to deposit with the commission money or securities. The
 9 amount of such bond or deposit shall be determined in accordance with
 10 the provisions of this subsection.

1 SEC. 18. Section ninety-six point eight (96.8), subsection three (3),
 2 paragraph c, Code 1975, is amended by striking the paragraph.

1 SEC. 19. Section ninety-six point eight (96.8), subsection three (3),
 2 Code 1975, is amended by striking the last unnumbered paragraph of
 3 that subsection.

1 SEC. 20. Section ninety-six point eleven (96.11), subsection four (4),
 2 Code 1975, is amended to read as follows:

3 4. Personnel. Subject to other provisions of this chapter, the com-
 4 mission is authorized to appoint, fix the compensation, and prescribe
 5 the duties an* powers of such officers, accountants, attorneys, experts,
 6 and other persons as may be necessary in the performance of its duties.
 7 The commission shall classify its positions and shall establish salary
 8 schedules and minimum personnel standards for the positions so classi-
 9 fied. All positions shall be filled by persons selected and appointed on
 10 the basis of competency and fitness for the position to be filled. The
 11 commission shall not appoint or employ any person ~~who is an officer~~
 12 ~~or committee member of any political party organization~~ or who holds
 13 or is a candidate for any elective *partisan* public office. The commis-
 14 sion shall establish and enforce fair and reasonable regulations for ap-

*According to enrolled Act

15 pointments, promotions and demotions based upon ratings of
 16 efficiency and fitness and for terminations for cause. The commission
 17 may delegate to any such person so appointed such power and authori-
 18 ty as it deems reasonable and proper for the effective administration of
 19 this chapter, and may in its discretion bond any person handling
 20 moneys or signing checks hereunder.

1 SEC. 21. Section ninety-six point eleven (96.11), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. Purging uncollectible overpayments. Notwith-
 4 standing any other provision of this chapter, the commission shall re-
 5 view all outstanding overpayments of benefit payments annually. The
 6 commission may determine as uncollectible and purge from its records
 7 any remaining unpaid balances of outstanding overpayments which are
 8 ten years or older from the date of the overpayment decision.

1 *SEC. 22. Section ninety-six point fourteen (96.14), subsection two
 2 (2), Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 2. Penalties. Any employer who shall fail to file a report of wages
 5 paid to each of his employees for any period in the manner and within
 6 the time required by this chapter and the rules of the commission or
 7 any employer who the commission finds has filed an insufficient report
 8 and fails to file a sufficient report within thirty days after a written re-
 9 quest from the commission to do so shall pay a penalty to the commis-
 10 sion.

11 The penalty shall become effective with the first day the report is
 12 delinquent or, where a report is insufficient, with the thirty-first day
 13 following the written request for a sufficient report.

14 Penalty for failing to file a sufficient report shall be in addition to
 15 any penalty incurred for a delinquent report where the delinquent re-
 16 port is also insufficient.

17 The amount of the penalty for delinquent and insufficient reports
 18 shall be computed based on total wages in the period for which the re-
 19 port was due and shall be computed as follows:

20 Days Delinquent	
21 or Insufficient	Penalty Rate
22 1 - 60	0.1%
23 61 - 120	0.2%
24 121 - 180	0.3%
25 181 - 240	0.4%
26 241 or over	0.5%

27 No penalty shall be less than ten dollars for each delinquent report
 28 or each insufficient report not made sufficient within thirty days as a
 29 request to do so. Interest, penalties, and costs shall be collected by the
 30 commission in the same manner as provided by this chapter for contri-
 31 butions.

32 If the commission finds that any employer has willfully failed to
 33 pay any contribution or part thereof when required by this chapter and
 34 the rules of the commission, with intent to defraud the commission,
 35 then such employer shall in addition to such contribution or part there-
 36 of, pay a contribution equal to fifty percent of the amount of such con-
 37 tribution or part thereof, as the case may be.

38 The commission may cancel any interest or penalties if it is shown to
 39 the satisfaction of the commission that the failure to pay a required

*According to enrolled Act

40 contribution or to file a required report was not the result of negli-
 41 gence, fraud, or intentional disregard of the law or the rules of the
 42 commission.

1 SEC. 23. Section ninety-six point fourteen (96.14), subsection three
 2 (3), unnumbered paragraph two (2), Code 1975, is amended to read as
 3 follows:

4 ~~The lien aforesaid shall attach at the time the contributions become~~
 5 ~~due and payable and shall continue until the liability for such amount~~
 6 ~~is satisfied~~ *An assessment of the unpaid contributions, interest and*
 7 *penalty shall be applied as provided in section fifteen (15) of this*
 8 *Act and the lien shall attach as of the date the assessment is mailed*
 9 *or personally served upon the employer. However, the commission*
 10 *may release any lien, when after diligent investigation and effort it*
 11 *determines that the amount due is not collectible.*

1 SEC. 24. Section ninety-six point fourteen (96.14), Code 1975, is
 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Any employer or employing unit refusing or fail-
 4 ing to make and file required reports or to pay any contributions, in-
 5 terest or penalty under the provisions of this chapter, after ten-day
 6 written notice sent by the commission to the employer's or employing
 7 unit's last known address by certified mail, may be enjoined from oper-
 8 ating any business in the state while in violation of this chapter upon
 9 the complaint of the Iowa employment security commission in the dis-
 10 trict court of a county in which the employer or employing unit has or
 11 had a place of business within the state, and any temporary injunction
 12 enjoining the continuance of such business may be granted without no-
 13 tice and without a bond being required from the Iowa employment se-
 14 curity commission. Such injunction may enjoin any employer or
 15 employing unit from operating his or its business unit until the delin-
 16 quent contributions, interest or penalties shall have been made and
 17 filed or paid; or the employer shall have furnished a good and suffi-
 18 cient bond conditioned upon the payment of such delinquencies in
 19 such an amount and containing such terms as may be determined by
 20 the court; or the employer has entered into a plan for the liquidation
 21 of such delinquencies as the court may approve, provided that such in-
 22 junction may be reinstated upon the employer's failure to comply with
 23 the terms of said plan.

1 SEC. 25. Section ninety-six point fourteen (96.14), subsection six (6),
 2 Code 1975, is amended to read as follows:

3 6. Nonresident employing units. Any employing unit which is a
 4 nonresident of the state of Iowa and for which services are performed
 5 in insured work within the state of Iowa *and any resident employer*
 6 *for which such services are performed and who thereafter removes*
 7 *himself from the state of Iowa* by having such services performed
 8 within the state of Iowa shall be deemed:

1 SEC. 26. Section ninety-six point seventeen (96.17), Code 1975, is
 2 amended by adding the following new subsection:

3 NEW SUBSECTION. Indemnification. Any member of the commission
 4 or any employee of the commission shall be indemnified for any dam-
 5 ages and legal expenses incurred as a result of the good faith perfor-
 6 mance of their official duties, for any claim for civil damages not
 7 specifically covered by the Iowa Tort Claims Act. Any payment de-
 8 scribed herein shall be paid from the special employment security con-
 9 tingency fund in section ninety-six point thirteen (96.13), subsection
 10 three (3) of the Code.

1 SEC. 27. Section ninety-six point nineteen (96.19), subsection five
2 (5), Code 1975, is amended to read as follows:

3 5. "Employing unit" means any individual or type of organization,
4 including *this state and its* political subdivisions, state agencies,*
5 *boards, commissions, and instrumentalities thereof,* any partnership,
6 association, trust, estate, joint stock company, insurance company or
7 corporation, whether domestic or foreign, or the receiver, trustee in
8 bankruptcy, trustee or successor thereof, or the legal representative of a
9 deceased person, which has or subsequent to January 1, 1936, had in its
10 employ one or more individuals performing services for it within this
11 state. All individuals performing services within this state for any em-
12 ploying unit which maintains two or more separate establishments
13 within this state shall be deemed to be employed by a single employ-
14 ing unit for all the purposes of this chapter. Whenever any employing
15 unit contracts with or has under it any contractor or subcontractor for
16 any work which is part of its usual trade, occupation, profession, or
17 business, unless the employing unit as well as each such contractor or
18 subcontractor is an employer by reason of subsection 6 or section 96.8,
19 subsection 3, the employing unit shall for all the purposes of this chap-
20 ter be deemed to employ each individual in the employ of each such
21 contractor or subcontractor for each day during which such individual
22 is engaged in performing such work; except that each such contractor
23 or subcontractor who is an employer by reason of subsection 6 or sec-
24 tion 96.8, subsection 3, shall alone be liable for the contributions meas-
25 ured by wages payable to individuals in his employ, and except that
26 any employing unit who shall become liable for and pay contributions
27 with respect to individuals in the employ of any such contractor or sub-
28 contractor who is not an employer by reason of subsection 6 or section
29 96.8, subsection 3, may recover the same from such contractor or sub-
30 contractor, except as any contractor or subcontractor who would in the
31 absence of the foregoing provisions be liable to pay said contributions,
32 accepts exclusive liability for said contributions under an agreement
33 with such employer made pursuant to general rules of the commission.
34 Each individual employed to perform or to assist in performing the
35 work of any agent or employee of an employing unit shall be deemed
36 to be employed by such employing unit for all the purposes of this
37 chapter, whether such individual was hired or paid directly by such
38 employing unit or by such agent or employee, provided the employing
39 unit had actual or constructive knowledge of such work, and provided,
40 further, that such employment was for a total of not less than eight
41 hours in any one calendar week.

1 SEC. 28. Section ninety-six point nineteen (96.19), subsection seven
2 (7), paragraph a, subparagraph six c (6c), Code 1975, is amended to
3 read as follows:

4 (c) In the employ of a *nonpublic* school which is not an institution
5 of higher education.

1 SEC. 29. Section ninety-six point nineteen (96.19), subsection seven
2 (7), paragraph a, Code 1975, is amended by adding the following new
3 subparagraphs:

4 (7) (a) Service performed in the employ of any political subdivision
5 of the state or any instrumentality thereof, effective on the day imme-
6 diately following termination of eligibility to file a claim for assistance
7 under The Special Unemployment Assistance Act of 1974 (Public Law
8 93567) and extensions thereof, if any; provided that, the effective date

*According to enrolled Act

9 of coverage provided herein shall not be deemed to apply to service
 10 performed for a hospital or institution of higher education operated by
 11 a political subdivision which has elected coverage with such services
 12 pursuant to paragraph c of subsection three (3) of section ninety-six
 13 point eight (96.8) of the Code; provided further, that, there shall not
 14 be restrictions until the effective date of the coverage year herein pro-
 15 vided upon the right of any political subdivision to elect coverage sole-
 16 ly for its institutions of higher education and hospitals as provided in
 17 paragraph c of subsection three (3) of section ninety-six point eight
 18 (96.8) of the Code.

19 (b) For the purpose of subparagraph seven a (7a) of this paragraph
 20 the term "employment" does not apply to service performed by indi-
 21 viduals granted temporary appointment of less than eighty working
 22 days, duration, casual or day workers, and workers who perform service
 23 for less than twenty hours per week.

24 (c) Upon the effective date of the coverage of service as "employ-
 25 ment" provided by this subparagraph seven (7), individuals who per-
 26 formed the covered services shall be credited with wage credits
 27 retroactively limited to the base period as defined in subsection seven-
 28 teen (17) of section ninety-six point nineteen (96.19) of the Code, appli-
 29 cable to such effective date, in accordance with their wages as defined
 30 in subsection thirteen (13) of section ninety-six point nineteen (96.19) of
 31 the Code. Such wage credits shall be available for use solely with re-
 32 spect to claims for benefits under this chapter filed on and after the ef-
 33 fective date of coverage herein provided.

34 (d) Benefits based on services in employment as provided in this sub-
 35 paragraph seven (7) shall be payable in the same amount, on the same
 36 terms, and subject to the same conditions as compensation payable on
 37 the basis of other service in this chapter, except that benefits based on
 38 service in an instructional, research or principal administrative capaci-
 39 ty in a school operated by a political subdivision or an instrumentality
 40 thereof shall not be paid to an individual for any week of unemploy-
 41 ment which begins during the period between two successive years or
 42 during similar periods between two regular terms whether or not succes-
 43 sive, or during the period of paid sabbatical leave provided for in the
 44 individual's contract, if the individual has a contract or contracts to
 45 perform services in this capacity for any school or schools for both such
 46 academic years or for both such terms. For the purpose of this provi-
 47 sion "school" means an educational institution operated by a political
 48 subdivision or an instrumentality thereof which is not an institution of
 49 higher education as defined in subsection twenty-four (24) of section
 50 ninety-six point nineteen (96.19) of the Code.

1 SEC. 30. Section ninety-six point nineteen (96.19), subsection seven
 2 (7), paragraph g, subparagraph one (1), Code 1975, is amended to read
 3 as follows:

4 (1) Service performed in the employ of this state by an elected offi-
 5 cial or service performed in the employ of any political subdivision of
 6 this state or any instrumentality of its political subdivisions. Provided
 7 that this exemption shall not be deemed to apply to services performed
 8 for a hospital or institution of higher education operated by a political
 9 subdivision of this state which has elected coverage for such services
 10 pursuant to section 96.8, subsection 3, paragraph "c"; and service per-
 11 formed in the employ of any political subdivision of this state, or any
 12 instrumentality of any political subdivision, which for the effective pe-
 13 riod of its election pursuant to section 96.8, subsection 3, paragraph
 14 "a", has voluntarily elected that all services performed for it by indi-

15 viduals in its employ shall be deemed to constitute employment for all
16 purposes of this chapter. Nothing in this or any other provision of this
17 chapter shall be construed to restrict the right of any political subdivi-
18 sion to elect coverage solely for institutions of higher education and
19 hospitals as provided in section 96.8, subsection 3, paragraph "e".

1 SEC. 31. Section ninety-six point nineteen (96.19), subsection ten
2 (10), Code 1975, is amended by striking paragraph b.

1 SEC. 32. Section ninety-six point nineteen (96.19), subsection ten
2 (10), paragraph c, Code 1975, is amended to read as follows:

3 e b. An individual shall be deemed partially unemployed in any
4 week in which he, having been separated from his regular job *full-time*
5 *employment*, earns at odd jobs less than his weekly benefit amount
6 plus *six fifteen* dollars.

1 SEC. 33. Section ninety-six point nineteen (96.19), subsection ten
2 (10), Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. An individual shall be deemed temporarily
4 unemployed if for a period, verified by the commission, not to exceed
5 four consecutive weeks, he is unemployed due to a plant shutdown, va-
6 cation, inventory, lack of work or emergency from his regular job or
7 trade in which he worked full-time and in which he will again work
8 full-time, if his employment, although temporarily suspended, has not
9 been terminated.

1 SEC. 34. Section ninety-six point nineteen (96.19), subsection thir-
2 teen (13), Code 1975, is amended by adding the following new para-
3 graph:

4 NEW PARAGRAPH. The term wages shall not include:

5 a. The amount of any payment, including any amount paid by an
6 employer for insurance or annuities or into a fund to provide for such
7 payment, made to or on behalf of an employee or any of his depen-
8 dents under a plan or system established by an employer which makes
9 provisions for his employees generally, or for his employees generally
10 and their dependents, or for a class, or classes of his employees, or for
11 a class or classes of his employees and their dependents, on account of
12 retirement, sickness, accident disability, medical or hospitalization ex-
13 pense in connection with sickness or accident disability, or death.

14 b. Any payment paid to an employee, including any amount paid
15 by any employer for insurance or annuities or into a fund to provide
16 for any such payment, on account of retirement.

17 c. Any payment on account of sickness or accident disability, or
18 medical or hospitalization expense in connection with sickness or acci-
19 dent disability made by an employer to, or on behalf of, an employee
20 after the expiration of six-calendar months following the last calendar
21 month in which the employee worked for such employer.

1 SEC. 35. The Code editor is directed to determine if terms in chap-
2 ter ninety-six (96) of the Code and this Act and the amendments to the
3 Act specify only one gender and where the provisions of the Act are
4 applicable to both genders. The Code editor shall make editorial
5 changes in the text of the Act and the amendments to the Act to re-
6 flect their applicability to both genders or one gender, as the case may
7 be. The editing shall be done without changing the substantive mean-
8 ing of the provisions of the Act.

Approved June 30, 1975

CHAPTER 93

EMPLOYMENT SECURITY

H. F. 916

AN ACT relating to employment security.

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

1 SECTION 1. Section ninety-six point seven (96.7), subsection three
2 (3), paragraph e, Code 1975, as amended by Senate File four hundred
3 eighty-five (485), section fourteen (14), as enacted by the Sixty-sixth
4 General Assembly, is amended by striking paragraph e and inserting in
5 lieu thereof the following:

6 e. Notwithstanding any other provisions of this Act, on and after
7 January 1, 1977 no employer's rate shall be less than two point seven
8 percent with respect to any calendar quarter unless the total assets of
9 the fund, excluding contributions not yet paid, as of the first day of
10 such calendar quarter exceed the total benefits paid from the fund
11 within the first four of the last five complete calendar quarters immedi-
12 ately preceding the first day of such calendar quarter; and no employ-
13 er's rate shall be less than one point eight percent with respect to any
14 calendar quarter unless the total assets of the fund, excluding contribu-
15 tions not yet paid, as of the first day of such calendar quarter exceeds
16 an amount equal to twice the amount of total benefits paid from the
17 fund within the first four of the last five complete calendar quarters
18 immediately preceding the first day of such calendar quarter.

1 SEC. 2. Section ninety-six point seven (96.7), Code 1975, is amend-
2 ed by adding the following new subsection:

3 NEW SUBSECTION. The commission shall with respect to the calendar
4 year 1976, levy a temporary emergency tax on all contributing employ-
5 ers by increasing by seven-tenths of one percent the contribution rate
6 provided by this section.

1 SEC. 3. Section ninety-six point nineteen (96.19), subsection twenty-
2 one (21), Code 1975, is amended to read as follows:

3 21. "Taxable wages". For the purposes of section 96.7, subsections 1
4 and 2 and subsequent to December 31, 1971, taxable wages shall not in-
5 clude that part of remuneration which, after remuneration equal to
6 four thousand two hundred dollars has been paid in a calendar year to
7 an individual by an employer or his predecessor with respect to em-
8 ployment during any calendar year, is paid to such individual by such
9 employer during such calendar year unless that part of the remunera-
10 tion is subject to a tax under a federal law imposing a tax against
11 which credit may be taken for contributions required to be paid into a
12 state unemployment fund, *except that for the calendar year 1976*
13 *the remuneration figure shall be six thousand dollars.*

14 For the purposes of this subsection, the term "employment" includes
15 service constituting employment under any unemployment compensa-
16 tion law of another state provided such other state will consider service
17 performed in Iowa in determining the contribution base.

Approved June 30, 1975

CHAPTER 94

EMPLOYMENT OPPORTUNITY BOARD

H. F. 913

AN ACT creating an employment opportunity board authorized to grant funds for the creation of employment and making an appropriation.

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

1 SECTION 1. NEW SECTION. **Purpose.** The purpose of this Act is to
2 foster the creation of new employment opportunities for those citizens
3 of the state who are unemployed.

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act:

2 1. "Board" means the employment opportunity board created by
3 section three (3) of this Act.

4 2. "Executive secretary" means the executive secretary of the board,
5 designated in accordance with chapter twenty-eight D (28D) of the
6 Code.

7 3. "Eligible grantees" means a state agency, county, city, school dis-
8 trict, nonprofit corporation, corporation for profit, partnership or pro-
9 priatorship.

1 SEC. 3. NEW SECTION. **Board created.** There is created an em-
2 ployment opportunity board consisting of those persons who are mem-
3 bers of the employment security commission created in section ninety-
4 six point ten (96.10) of the Code.

1 SEC. 4. NEW SECTION. **Board functions.** The board may:

2 1. Accept funds or grants from any source, and all such receipts of
3 the board are hereby appropriated for carrying out the purposes of this
4 Act. The expenditure of any funds available to the board shall be by
5 warrant to the treasurer of state drawn by the state comptroller upon
6 vouchers authorized by the executive secretary.

7 2. Make grants to eligible grantees upon application for projects sat-
8 isfying the requirements of section six (6) of this Act. In determining
9 whether to award a grant, the board shall consider:

10 a. The effect on the unemployment rate in the geographic area of
11 the project.

12 b. The effect upon the preservation, improvement or reclamation of
13 the physical environment, the conservation of various energy sources,
14 or the protection of public health.

15 c. The effect on the general economy in the geographic area of the
16 project.

17 d. The effect on the general economy of the state.

1 SEC. 5. NEW SECTION. **Executive secretary's duties.** The execu-
2 tive secretary shall:

3 1. Develop procedure and forms for applications for grants.

4 2. Disburse the funds for grants approved by the board.

5 3. Monitor grant projects for compliance with the application.

6 4. Evaluate the effectiveness of the grant projects.

7 5. Schedule meetings of the board.

8 6. Publicize the availability of funds under this Act.

1 SEC. 6. NEW SECTION. **Requirements of applications.** To be
2 considered by the board an application for a grant must satisfy the fol-
3 lowing requirements:

4 1. The project to be funded by the grant must create new employ-
5 ment opportunities and not fund existing employment of the prospec-

6 tive grantee or resume funding of projects for which the grantee has,
 7 without fault, terminated employees within the previous six months
 8 and has not recalled those employees. All of the funds provided by the
 9 grant must be used for the compensation of those persons hired by the
 10 grantee pursuant to the project funded by the grant. Applications by
 11 prospective grantees other than a state agency or political subdivision
 12 of the state must demonstrate the prospective grantee's inability to un-
 13 dertake the proposed project and thereby provide the additional em-
 14 ployment without the assistance of the grant.

15 2. The benefits of the project result must inure primarily to the com-
 16 munity or public at large, not primarily to the grantee, if the grantee
 17 is other than a public body.

18 3. The following conditions of employment must be satisfied:

19 a. The grantee must be the employer of those hired under the proj-
 20 ect.

21 b. The employees under the project must be paid at the same rate as
 22 other employees doing similar work for the grantee.

23 c. The employees must be considered regular employees of the
 24 grantee and must be entitled to participate in benefit programs of the
 25 grantee on the same basis as other employees holding similar positions
 26 with the grantee.

27 4. The following hiring preferences must be in effect for those to be
 28 employed under the project:

29 a. First, those whose unemployment benefits have expired or who
 30 are ineligible for unemployment benefits; and

31 b. Second, those unemployed persons who are heads of households
 32 as defined by section two (2), paragraph b of the Internal Revenue
 33 Code of 1954.

1 SEC. 7. There is appropriated from the general fund of the state to
 2 the employment opportunity board for the fiscal year beginning July
 3 1, 1975, and ending June 30, 1976 the sum of one million (1,000,000)
 4 dollars or so much thereof as may be necessary to carry out this Act.
 5 However, if by October 15, 1975 the sum of at least three million
 6 (3,000,000) dollars has not been made available to the board by the fed-
 7 eral government, all appropriated funds shall revert to the general
 8 fund of the state.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 95
 CIGARETTE* TAX

H. F. 317

AN ACT relating to the taxation of cigarettes* by providing for the sale and exchange of ciga-
 rette stamps and defining cigarette and package of cigarettes.

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

1 SECTION 1. Section ninety-eight point one (98.1), subsections one (1)
 2 and two (2), Code 1975, are amended to read as follows:

3 1. "Cigarette" shall mean and include means any roll for smoking
 4 made wholly or in part of tobacco, or any substitute for tobacco, irre-
 5 spective of size or shape and irrespective of tobacco or any substitute
 6 for tobacco being flavored, adulterated, or mixed with any other ingre-
 7 dient, where such roll has a wrapper or cover made of paper or any
 8 other material. Provided the definition herein shall not be construed to
 9 include cigars. ~~Excepting where the context clearly shows that eiga-~~
 10 ~~rettes alone are intended, the term "cigarettes" shall mean and include~~
 11 ~~cigarettes, cigarette papers or wrappers, and tubes upon which a tax is~~
 12 ~~imposed by section 98.6.~~

13 2. "Individual packages of cigarettes" shall mean and include every
 14 package of cigarettes ordinarily sold at retail, and shall include any
 15 and every package of cigarettes upon which a federal stamp or token is
 16 required. "Packages of cigarettes" shall also include books and sets of
 17 papers, wrappers, or tubes.

1 SEC. 2. Section ninety-eight point eight (98.8), Code 1975, is
 2 amended to read as follows:

3 **98.8 Sale and exchange of stamps.**

4 1. Stamps shall be sold by and purchased from the department only.
 5 The department shall sell stamps to the holder of a state or manufac-
 6 turer's distributor's permit which has not been revoked and to no other
 7 person. Stamps shall be sold to such permit holders at a discount of
 8 not to exceed five percent from the face value. Stamps shall be sold in
 9 unbroken sheets books of one hundred stamps only thousand stamps,
 10 unbroken rolls of thirty thousand stamps, or unbroken lots of any
 11 other form authorized by the director.

12 2. Orders for cigarette tax stamps, including the payment for such
 13 stamps, shall be sent direct to the department which shall invoice the
 14 stamps ordered to the purchaser upon a form of invoice on a form to
 15 be prescribed by the director.

16 3. Stamps in unbroken sheets of one hundred stamps may be ex-
 17 changed with the department for stamps of a different denomination.
 18 The department may make refunds on unused stamps to the person
 19 who purchased said stamps at a price equal to the amount paid for
 20 such stamps when proof satisfactory to the department is furnished
 21 that any stamps upon which a refund is requested were properly pur-
 22 chased from the department and paid for by the person requesting such
 23 refund. In making such refund, the department shall prepare a voucher
 24 showing the amount of refund due and to whom payable and the
 25 comptroller shall then issue a warrant upon order of the director to pay
 26 such refund out of any funds in the state treasury not otherwise appro-
 27 priated.

28 The director may promulgate rules and regulations providing for re-
 29 funds of the face value of stamps, less any discount, affixed to any
 30 cigarettes which have become unfit for use and consumption, unsal-
 31 able, or for any other legitimate loss which may occur, upon proof of
 32 such loss. Refund shall be made by issuing new stamps of an aggregate
 33 value of the tax paid on the cigarettes adjudged to be unfit for use,
 34 consumption, unsalable, or any other loss suffered in the same man-
 35 ner as provided for unused stamps.

36 4. The department may in the enforcement of this chapter recall any
 37 stamps which have been sold by the department and which have not
 38 been used, and the department shall, upon receipt of such recalled
 39 stamps, issue stamps of other serial numbers therefor a refund for tax
 40 stamps surrendered for the face value of the stamps less the amount
 41 of the discount. The purchaser of any stamps shall be required to sur-

42 render any unused stamps for ~~exchange~~ *refund* upon demand of the
43 department.

44 5. The department shall keep a record of all stamps sold ~~or ex-~~
45 ~~changed~~ by the department and of all refunds made by the depart-
46 ment.

Approved June 3, 1975

*See U.S. Surgeon General's warning on use

CHAPTER 96

CIGARETTE PERMITS

H. F. 725

AN ACT relating to the issuance of permits for the sale of cigarettes.

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

1 SECTION 1. Section ninety-eight point one (98.1), subsections four
2 (4) and seventeen (17), Code 1975, are amended to read as follows:

3 4. "Place of business" is construed to mean and include any place
4 where cigarettes are sold or where cigarettes are stored *within or with-*
5 *out the state of Iowa by the holder of an Iowa permit* or kept for the
6 purpose of sale or consumption; or if sold from any vehicle or train,
7 the vehicle or train on which or from which such cigarettes are sold
8 shall constitute a place of business.

9 17. "State permit" shall mean and include permits issued by the de-
10 partment to distributors, wholesalers, and retailers ~~within the state~~.

1 SEC. 2. Section ninety-eight point ten (98.10), Code 1975, is amend-
2 ed to read as follows:

3 **98.10 Affixing of stamps by distributors.** Except as provided in
4 section 98.17, every distributor ~~in this state holding an Iowa permit~~
5 shall cause to be affixed, *within or without the state of Iowa*, upon
6 every individual package of cigarettes received by him *in this state or*
7 *for distribution in this state*, upon which no sufficient tax stamp is al-
8 ready affixed, a stamp or stamps of an amount equal to the tax due
9 thereon. Such stamps shall be affixed within forty-eight hours, exclu-
10 sive of Sundays and legal holidays, from the hour the cigarettes were
11 received, and shall be affixed before such distributor sells, offers for
12 sale, consumes, or otherwise distributes or transports the same. It shall
13 be unlawful for any person, other than a distributing agent or distribu-
14 tor, bonded pursuant to section 98.14, or common carrier to receive or
15 accept delivery of any cigarettes without stamps affixed to evidence
16 the payment of the tax, or without having in his possession the requi-
17 site amount or number of stamps necessary to stamp such cigarettes,
18 and the possession of any unstamped cigarettes, without the possession
19 of the requisite amount or number of stamps, shall be prima-facie evi-
20 dence of the violation of this provision.

1 SEC. 3. Section ninety-eight point thirteen (98.13), subsection one
2 (1), Code 1975, is amended to read as follows:

3 1. Permits required. Every distributor, wholesaler, cigarette vendor,
4 and retailer ~~in this state~~, now engaged or who desires to become en-
5 gaged in the sale or use of cigarettes, upon which a tax is required to

6 be paid, shall obtain a state or retail cigarette permit as a distributor,
7 wholesaler, cigarette vendor, or retailer, as the case may be.

1 SEC. 4. Section ninety-eight point thirteen (98.13), subsection five
2 (5), paragraph b, Code 1975, is amended to read as follows:

3 b. The principal office, residence, and place of business ~~in Iowa~~, for
4 which the permit is to apply.

1 SEC. 5. Section ninety-eight point nineteen (98.19), subsection one
2 (1), Code 1975, is amended to read as follows:

3 1. For the purpose of enabling the department to determine the tax
4 liability of permit holders or any other person dealing in cigarettes or
5 to determine whether a tax liability has been incurred, the department
6 shall have the right to inspect any premises *of the holder of an Iowa*
7 *permit located within or without the state of Iowa* where cigarettes
8 are manufactured, produced, made, stored, transported, sold, or of-
9 fered for sale or exchange, and to examine all of the records required
10 to be kept or any other records that may be kept incident to the con-
11 duct of the cigarette business of said permit holder or any other person
12 dealing in cigarettes.

1 SEC. 6. Section ninety-eight point nineteen (98.19), Code 1975, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. In the case of any departmental inspection con-
4 ducted under this section requiring department personnel to travel out-
5 side the state of Iowa, any additional costs incurred by the department
6 for out-of-state travel expenses shall be borne by the permittee. These
7 additional costs shall be those costs in excess of the costs of a similar
8 inspection conducted at the geographical point located within the state
9 of Iowa nearest to the out-of-state inspection point. In lieu of conduct-
10 ing an on premises out-of-state inspection, the department shall have
11 the authority to direct the permittee to assemble and transport all rec-
12 ords described in subsection one (1), of this section to the nearest prac-
13 tical and convenient geographical location in Iowa for inspection by
14 the department.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 97

CIGARETTE STAMPS

H. F. 899

AN ACT relating to the printing and custody of cigarette and little cigar tax stamps.

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

1 SECTION 1. Section ninety-eight point seven (98.7), Code 1975, is
2 amended to read as follows:

3 **98.7 Printing and custody of stamps.** The state printing board
4 director of the department of general services shall be and is hereby
5 required to design and have printed or manufactured, cigarette and
6 little cigar tax stamps of such design, size, denomination, and type
7 and in such quantities as may be determined by the director of reve-

8 *nue*. The stamps shall be so manufactured as to render them easy to be
 9 securely attached to each individual package of cigarettes *and little ci-*
 10 *gars* or cigarette papers. ~~Such~~ *The cigarette and little cigar tax*
 11 stamps shall be in the possession of and under the control of the ~~comp-~~
 12 ~~troller.~~

13 ~~Upon requisition, the comptroller shall deliver to the department the~~
 14 ~~stamps designated in such requisition, and shall charge the department~~
 15 ~~with the stamps so delivered, and director of revenue and the director~~
 16 shall keep ~~an accurate record~~ *records* of all *cigarette and little cigar*
 17 *tax stamps coming into and leaving his possession.*

18 There is hereby appropriated out of any funds in the state treasury
 19 not otherwise appropriated sufficient funds to carry out the provisions
 20 of this section.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 98

SEIZED CIGARETTES

S. F. 153

AN ACT relating to the disposition of seized cigarettes.

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

1 SECTION 1. Section ninety-eight point thirty-two (98.32), subsection
 2 five (5), Code 1975, is amended to read as follows:

3 5. In the event the cigarettes seized hereunder and sought to be sold
 4 upon forfeiture shall be unstamped, ~~the officers selling the same shall~~
 5 ~~be furnished by the department, sufficient stamps which shall be af-~~
 6 ~~fixed to the cigarettes prior to the sale thereof~~ *the cigarettes shall be*
 7 *sold by the director or his designee to the highest bidder among the*
 8 *licensed distributors in this state after written notice has been*
 9 *mailed to all such distributors. If there is no bidder or in the opin-*
 10 *ion of the director the quantity of cigarettes to be sold is insuffi-*
 11 *cient or for any other reason such disposition of the cigarettes is*
 12 *impractical, the cigarettes shall be destroyed or disposed of in a*
 13 *manner as determined by the director. The proceeds of such sales*
 14 *shall be paid into the state treasury.*

1 SEC. 2. Section seven hundred fifty-one point twenty-eight (751.28),
 2 Code 1975, is repealed.

Approved March 18, 1975

CHAPTER 99

GAMBLING

S. F. 496

AN ACT relating to gambling, and providing penalties.

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

1 SECTION 1. Section ninety-nine A point one (99A.1), subsection one
2 (1), Code 1975, is amended by striking the subsection and inserting in
3 lieu thereof the following:

4 1. "Gambling devices" means gambling devices as defined in section
5 seven hundred twenty-six point five (726.5) of the Code.

1 SEC. 2. Section ninety-nine B point one (99B.1), unnumbered para-
2 graph one (1), Code 1975, is amended to read as follows:

DIVISION I

GENERAL PROVISIONS

5 **99B.1 Definitions.** As used in this chapter and sections ~~726.11~~
6 ~~and 726.12~~, unless the context otherwise requires:

1 SEC. 3. Section ninety-nine B point one (99B.1), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. "Posted" means that the person conducting a game
4 has caused to be placed near the front or playing area of the game a
5 sign at least thirty inches by thirty inches, with permanent material
6 and lettering, stating at the top in letters at least three inches high:
7 "Rules of the Game". Thereunder there shall be set forth in large, eas-
8 ily readable print, the name of the game, the price to play the game,
9 the complete rules for the game and the name and permanent mailing
10 address of the owner of the game.

11 NEW SUBSECTION. "Social games" means and includes only the activi-
12 ties permitted by subsection two (2) of section fourteen (14) of this Act.

13 NEW SUBSECTION. A person "conducts" a specified activity if that
14 person owns, promotes, sponsors, or operates a game or activity. A nat-
15 ural person does not "conduct" a game or activity if the person is
16 merely a participant in a game or activity which complies with section
17 fourteen (14) of this Act.

18 NEW SUBSECTION. "Amusement concession" means any place where a
19 single game of skill or game of chance is conducted by a person for
20 profit, and includes the area within which are confined the equipment,
21 playing area, and other personal property necessary for the conduct of
22 the game.

23 NEW SUBSECTION. "Amusement device" means an electrical or me-
24 chanical device possessed and used in accordance with section twelve
25 (12) of this Act. When possessed and used in accordance with that sec-
26 tion, an amusement device is not a game of skill or game of chance,
27 and is not a gambling device.

28 NEW SUBSECTION. "Department" means the department of revenue.

29 NEW SUBSECTION. "Bookmaking" as used herein means the taking or
30 receiving of any bet or wager upon the result of any trial or contest of
31 skill, speed, power or endurance of man, beast, fowl or motor vehicle,
32 which is not a wager or bet pursuant to section fourteen (14), subsection
33 two (2), paragraph c (c), of this Act, or which is laid off, placed, given,
34 received or taken, by an individual who was not present when the wa-
35 ger or bet was undertaken, or by any publicly or privately owned en-
36 terprise where such wagers or bets may be undertaken.

37 NEW SUBSECTION. "Bona fide social relationship" as used herein
38 means a real, genuine, unfeigned social relationship between two or

39 more persons wherein each person has an established knowledge of the
40 other, which has not arisen for the purpose of gambling.

1 SEC. 4. Section ninety-nine B point two (99B.2), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **99B.2 Licensing—records required.**

5 1. The department shall be the agency responsible for issuing any li-
6 cense required by this chapter. A license shall not be issued, except
7 upon submission to the department of an application on forms fur-
8 nished by the department, and upon submission of the required license
9 fee. Except as otherwise provided in this chapter, a license shall be val-
10 id for a period of one year from the date of issue. The license fee or
11 any part thereof shall not be refundable, but shall be returned to the
12 applicant in the event an application is not approved.

13 2. A licensee other than one issued a license pursuant to section
14 eight (8) or section eleven (11) of this Act shall maintain proper books
15 of account and records showing in addition to any other information
16 required by the department, gross receipts and the amount of the gross
17 receipts taxes collected or accrued with respect to gambling activities,
18 all expenses, charges, fees and other deductions, and the cash amounts,
19 or the cost to the licensee of goods or other noncash valuables, distrib-
20 uted to participants in the licensed activity. If the licensee is a quali-
21 fied organization, the amounts dedicated and the date and name and
22 address of each person to whom distributed also shall be kept in the
23 books and records. The books of account and records shall be made
24 available to the department or a law enforcement agency for inspection
25 at reasonable times, with or without notice. A failure to permit inspec-
26 tion is a misdemeanor.

27 3. Each licensee required by subsection two (2) of this section to
28 maintain records shall submit quarterly reports to the department on
29 forms furnished by the department. The reports shall contain a compi-
30 lation of the information required to be recorded by subsection two (2)
31 of this section, and shall include all of the transactions occurring dur-
32 ing the three-month period for which the report is submitted. Failure
33 to submit the quarterly reports shall constitute grounds for revocation
34 of the license. Willful failure to submit quarterly reports is a misde-
35 meanor.

1 SEC. 5. Section ninety-nine B point three (99B.3), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 DIVISION II

5 GAMES OR LOCATIONS FOR WHICH A LICENSE IS REQUIRED

6 **99B.3 Amusement concessions.**

7 1. A game of skill or game of chance is lawful when conducted by a
8 person at an amusement concession, but only if all of the following are
9 complied with:

10 a. The location where the game is conducted by the person has been
11 authorized as provided in section six (6) of this Act.

12 b. The person conducting the game has submitted a license applica-
13 tion and a fee of fifteen dollars for each game, and has been issued a
14 license for the game, and prominently displays the license at the play-
15 ing area of the game.

16 c. Gambling other than the licensed game is not conducted or en-
17 gaged in at the amusement concession.

18 d. The game is posted and the cost to play the game does not exceed
19 one dollar.

- 20 e. A prize is not displayed which cannot be won.
 21 f. Cash prizes are not awarded and merchandise prizes are not repur-
 22 chased.
 23 g. The game is not operated on a build-up or pyramid basis.
 24 h. The actual retail value of any prize does not exceed twenty-five
 25 dollars. If a prize consists of more than one item, unit or part, the ag-
 26 gregate retail value of all items, units or parts shall not exceed twenty-
 27 five dollars.
 28 i. Concealed numbers or conversion charts are not used to play the
 29 game and the game is not designed or adapted with any control device
 30 to permit manipulation of the game by the operator in order to pre-
 31 vent a player from winning or to predetermine who the winner will be,
 32 and the object target, block or object of the game must be attainable
 33 and possible to perform under the rules stated from the playing posi-
 34 tion of the player.
 35 j. The game is conducted in a fair and honest manner.
 36 2. It is lawful for an individual other than a person conducting the
 37 game to participate in a game of skill or game of chance conducted at
 38 an amusement concession, whether or not the amusement concession is
 39 conducted in compliance with subsection one (1) of this section.

1 SEC. 6. Section ninety-nine B point four (99B.4), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

- 4 **99B.4 Permitted locations of amusement concessions.** A game
 5 of skill or game of chance lawfully may be conducted by a person at an
 6 amusement concession, but only if the person has been authorized to
 7 conduct the game at a specific location as follows:
 8 a. At a fair, by written permission given to the person by the spon-
 9 sor of the fair.
 10 b. At an amusement park so designated by resolution of the city
 11 council of a city or the board of supervisors of a county, by written
 12 permission given to the person by the respective city or county.
 13 c. At a carnival, bazaar, centennial, or celebration sponsored by a
 14 bona fide civic group, service club, or merchants group when that event
 15 has been authorized by resolution of the city council of a city or the
 16 board of supervisors of a county, by written permission given to the
 17 person by the authorizing city or county. Paragraph b of subsection
 18 one (1) of section five (5) of this Act notwithstanding, a license may be
 19 issued for an event held pursuant to this paragraph at a fee of twenty-
 20 five dollars, which shall enable the sponsor of the event to conduct all
 21 games and raffles permitted under section five (5) of this Act for a
 22 specified period of fourteen consecutive calendar days.

1 SEC. 7. Section ninety-nine B point five (99B.5), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

- 4 **99B.5 Raffles conducted by a fair.**
 5 1. Raffles lawfully may be conducted at a fair, but only if all of the
 6 following are complied with:
 7 a. The raffle is conducted by the sponsor of the fair.
 8 b. The sponsor of the fair has submitted a license application and a
 9 fee of fifteen dollars for each raffle, and has been issued a license, and
 10 prominently displays the license at the drawing area of the raffle.
 11 c. The raffle is posted.
 12 d. Except as provided in paragraph g of this subsection, the cost of
 13 each chance in or ticket to the raffle does not exceed one dollar.

14 e. Cash prizes are not awarded and merchandise prizes are not repur-
15 chased.

16 f. The raffle is not operated on a pyramid or build-up basis.

17 g. The actual retail value of any prize does not exceed twenty-five
18 dollars. If a prize consists of more than one item, unit or part, the ag-
19 gregate retail value of all items, units or parts shall not exceed twenty-
20 five dollars. However, a fair may hold not more than one raffle per
21 year at which a merchandise prize may be awarded if of a value not
22 greater than five thousand dollars as determined by the purchase price
23 paid by the fair, and the cost of each chance in or ticket to that raffle
24 may not exceed five dollars.

25 h. The raffle is conducted in a fair and honest manner.

26 2. It is lawful for an individual other than a person conducting the
27 raffle to participate in a raffle conducted at a fair, whether or not con-
28 ducted in compliance with subsection one (1) of this section.

1 SEC. 8. Section ninety-nine B point six (99B.6), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **99B.6 Games where liquor or beer is sold.**

5 1. Gambling is unlawful on premises for which a class "A", class
6 "B", class "C" or class "D" liquor control license, or class "B" beer per-
7 mit has been issued pursuant to chapter one hundred twenty-three
8 (123) of the Code unless all of the following are complied with:

9 a. The holder of the liquor control license or beer permit has submit-
10 ted an application for a license and an application fee of twenty-five
11 dollars, and has been issued a license, and prominently displays the li-
12 cense on the premises.

13 b. The holder of the liquor control license or beer permit or any
14 agent or employee of the license or permit holder does not participate
15 in, sponsor, conduct or promote, or act as cashier or banker for any
16 gambling activities, except as a participant while playing on the same
17 basis as every other participant.

18 c. Gambling other than social games is not engaged in on the prem-
19 ises covered by the license or permit.

20 d. Concealed numbers or conversion charts are not used to play any
21 game, and a game is not adapted with any control device to permit
22 manipulation of the game by the operator in order to prevent a player
23 from winning or to predetermine who the winner will be, and the ob-
24 ject of the game is attainable and possible to perform under the rules
25 stated from the playing position of the player.

26 e. The game must be conducted in a fair and honest manner.

27 f. No person receives or has any fixed or contingent right to receive,
28 directly or indirectly, any amount wagered or bet or any portion of
29 amounts wagered or bet, except an amount which the person wins as a
30 participant while playing on the same basis as every other participant.

31 g. No cover charge, participation charge or other charge is imposed
32 upon a person admitted to the premises, whether or not the person par-
33 ticipates in gambling, and no rebate, discount, credit, or other method
34 is used to discriminate between the charge for goods or services to par-
35 ticipants in gambling and the charge for goods or services to nonpartic-
36 ipants.

37 h. No participant wins or loses more than a total of fifty dollars or
38 more consideration equivalent thereto in one or more games or activi-
39 ties permitted by this section at any time during any period of twenty-
40 four consecutive hours or over that entire period. For the purpose of
41 this paragraph a person wins the total amount at stake in any game,

42 wager or bet, regardless of any amount that person may have contrib-
43 uted to the amount at stake.

44 i. No participant is participating as an agent of another person.

45 j. A representative of the department of revenue or a law enforce-
46 ment agency is immediately admitted, upon request, to the premises
47 with or without advance notice.

48 k. No person under the age of eighteen years may participate in the
49 gambling except pursuant to sections five (5), six (6), seven (7), and
50 nine (9) of this Act. Any licensee knowingly allowing a person under
51 the age of eighteen to participate in the gambling prohibited by this
52 paragraph or any person knowingly participating in such gambling
53 with a person under the age of eighteen, shall be guilty of a misde-
54 meanor and, upon conviction, be punished by imprisonment in the
55 county jail for not more than thirty days and a fine of not more than
56 one hundred dollars or both.

57 2. The holder of a license issued pursuant to this section shall be
58 strictly accountable for maintaining compliance with subsection one (1)
59 of this section. Proof of any acts constituting a violation shall be
60 grounds for revocation of the license issued pursuant to this section if
61 the holder of the license permitted the violation to occur when the li-
62 censee knew or had reasonable cause to know of the acts constituting
63 the violation. The holder of a license issued pursuant to this section
64 which has its license revoked shall not be issued another license within
65 six months of the date of revocation.

66 3. A participant in a social game which is not in compliance with
67 this section shall be liable for a criminal penalty only if that partici-
68 pant has knowledge of or reason to know the facts constituting the vio-
69 lation.

70 4. The holder of a license issued pursuant to this section and every
71 agent of that licensee who is required by the licensee to exercise control
72 over the use of the premises who knowingly permits or engages in acts
73 or omissions which constitute a violation of subsection one (1) of this
74 section commits a misdemeanor. A licensee has knowledge of acts or
75 omissions if any agent of the licensee has knowledge of those acts or
76 omissions.

1 SEC. 9. Section ninety-nine B point seven (99B.7), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **99B.7 Games conducted by qualified organizations.**

5 1. Except as otherwise provided in section ten (10) of this Act, games
6 of skill, games of chance and raffles lawfully may be conducted at a lo-
7 cation specified in subsection two (2) of this section, but only if all of
8 the following are complied with:

9 a. The person conducting the game or raffle has been issued a li-
10 cense pursuant to subsection three (3) of this section and prominently
11 displays that license in the playing area of the games.

12 b. No person receives or has any fixed or contingent right to receive,
13 directly or indirectly, any profit, remuneration, or compensation from
14 or related to a game of skill, game of chance, or raffle, except any
15 amount which the person may win as a participant on the same basis
16 as the other participants. A person conducting a game or raffle shall
17 not be a participant in the game or raffle.

18 c. Cash prizes may be awarded in the game of bingo and shall not
19 exceed one hundred dollars. Merchandise prizes may be awarded in the
20 game of bingo; however, the actual retail value of the prize, or if the
21 prize consists of more than one item, unit or part, the aggregate retail
22 value of all items, units or parts, shall not exceed one hundred dollars.

23 A jackpot bingo game may be conducted once during any twenty-four
24 hour period in which the prize doubles if not won at one game: How-
25 ever, the cost of play shall not be increased and the jackpot shall not
26 amount to more than five hundred dollars in cash or actual retail value
27 of merchandise prizes. A jackpot bingo game shall not be deemed pro-
28 hibited by paragraph h of this subsection.

29 d. Cash prizes shall not be awarded in games other than bingo. The
30 actual retail value of any merchandise prizes shall not exceed twenty-
31 five dollars and may not be repurchased. However, a raffle may be
32 conducted not more than one time in a twelve-month period at which a
33 merchandise prize may be awarded of a value not greater than five
34 thousand dollars as determined by purchase price paid by the organiza-
35 tion or donor and for which the cost to a participant of a chance in or
36 ticket to the raffle does not exceed five dollars.

37 e. Except as provided in paragraph d of this subsection with respect
38 to an annual raffle, the cost to a participant for each game shall not
39 exceed one dollar.

40 f. No prize is displayed which cannot be won.

41 g. Merchandise prizes are not repurchased.

42 h. A game or raffle shall not be operated on a build-up or pyramid
43 basis.

44 i. Concealed numbers or conversion charts shall not be used to play
45 any game and a game or raffle shall not be adapted with any control
46 device to permit manipulation of the game by the operator in order to
47 prevent a player from winning or to predetermine who the winner will
48 be, and the object of the game must be attainable and possible to per-
49 form under the rules stated from the playing position of the player.

50 j. The game must be conducted in a fair and honest manner.

51 k. Each game or raffle shall be posted.

52 l. During the entire time that games permitted by this section are
53 being engaged in, no other gambling is engaged in at the same loca-
54 tion.

55 2. Games of skill, games of chance, and raffles may be conducted on
56 premises owned or leased by the licensee, but shall not be conducted on
57 rented premises unless the premises are rented from a person licensed
58 under this section, and unless the net rent received is dedicated to one
59 or more of the uses permitted under subsection three (3) of this section
60 for dedication of net receipts. This subsection shall not apply where
61 the rented premises are those upon which a qualified organization
62 usually carries out a lawful business other than operating games of
63 skill, games of chance or raffles. However, a qualified organization
64 may rent premises other than from a licensed qualified organization to
65 be used for the conduct of games of skill, games of chance and raffles,
66 and the person from whom the premises are rented may impose and
67 collect rent for such use of those premises, but only if all of the follow-
68 ing are complied with:

69 a. The rent imposed and collected shall not be a percentage of or
70 otherwise related to the amount of the receipts of the game or raffle.

71 b. The qualified organization shall have the right to terminate any
72 rental agreement at any time without penalty and without forfeiture
73 of any sum.

74 c. The person from whom the premises are rented shall not be a li-
75 quor control licensee or beer permittee with respect to those premises or
76 with respect to adjacent premises.

77 The board of directors of a school district may authorize that public
78 schools within that district, and the policy-making body of a nonpublic
79 school, may authorize that games of skill, games of chance, bingo and

80 raffles may be held at bona fide school functions, such as carnivals,
81 fall festivals, bazaars and similar events. Each school shall obtain a li-
82 cense pursuant to this section prior to permitting such games or activi-
83 ties on the premises.

84 3. a. A person wishing to conduct games and raffles pursuant to this
85 section as a qualified organization shall submit an application and a li-
86 cense fee of twenty-five dollars. However, upon submission of an appli-
87 cation accompanied by a license fee of fifteen dollars, a person may be
88 issued a limited license which shall authorize the person to conduct all
89 games and raffles pursuant to this section at a specified location and
90 during a specified period of fourteen consecutive calendar days. A lim-
91 ited license shall not be issued more than once during any twelve-
92 month period to the same person, or for the same location.

93 b. A person or the agent of a person submitting application to con-
94 duct games pursuant to this section as a qualified organization shall
95 certify as a part of that application that the net receipts of all games
96 either shall be distributed as prizes to participants or shall be dedicated
97 and distributed to educational, civic, public, charitable, patriotic or re-
98 ligious uses in this state. "Educational, civic, public, charitable, pa-
99 triotic, or religious uses" means uses benefiting a society for the
100 prevention of cruelty to animals or animal rescue league or uses bene-
101 fitting an indefinite number of persons either by bringing them under
102 the influence of education or religion or relieving them from disease,
103 suffering, or constraint, or by erecting or maintaining public buildings
104 or works, or otherwise lessening the burden of government but do not
105 include the erection, acquisition, improvement, maintenance, or repair
106 of real, personal or mixed property unless it is used exclusively for one
107 or more of the uses stated. "Public uses" specifically includes dedica-
108 tion of net receipts to political parties as defined in section 43.2.
109 "Charitable uses" includes uses benefiting a definite number of persons
110 who are the victims of loss of home or household possessions through
111 explosion, fire, flood, or storm and the loss is uncompensated by insur-
112 ance, and uses benefiting a definite number of persons suffering from a
113 seriously disabling disease or injury, causing severe loss of income or
114 incurring extraordinary medical expense, which is uncompensated by
115 insurance.

116 c. A qualified organization shall distribute amounts awarded as priz-
117 es on the day the prizes are won. A qualified organization shall dedi-
118 cate and distribute the balance of the net receipts not later than one
119 hundred eighty days from the date received. A person desiring to hold
120 the net receipts for a period longer than one hundred eighty days must
121 apply to the department for special permission and upon good cause
122 shown the department may grant the request.

123 4. It is lawful for an individual other than a person conducting
124 games or raffles to participate in games or raffles conducted by a quali-
125 fied organization, whether or not there is compliance with subsections
126 two (2) and three (3) of this section: However, it is unlawful for the in-
127 dividual to participate where the individual has knowledge of or rea-
128 son to know facts which constitute a failure to comply with subsec-
129 one (1) of this section.

1 SEC. 10. Section ninety-nine B point eight (99B.8), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **99B.8 Annual game night.**

5 1. Games of skill, games of chance, card games and raffles lawfully
6 may be conducted during a period of twelve consecutive hours once

*According to enrolled Act

7 each year at any location, or by any person, except one for which a li-
8 cense is required pursuant to section five (5) or section seven (7) of this
9 Act, or except a location covered by a class "C", or class "D" liquor
10 control license, or any beer permit unless such location has been li-
11 censed pursuant to section eight (8) of this Act as premises upon which
12 gambling is allowed, but only if all of the following are complied with:

13 a. The sponsor of the event has been issued a license pursuant to sec-
14 tion* three (3) of this section and prominently displays that license
15 on the premises covered by the license.

16 b. A bona fide social or employment relationship exists between the
17 sponsor and all of the participants.

18 c. No participant pays any consideration of any nature, either di-
19 rectly or indirectly, to participate in the games or raffles.

20 d. All money or other items wagered are provided to the participant
21 free by the sponsor.

22 e. The person conducting the game or raffle receives no consider-
23 ation, either directly or indirectly, other than good will.

24 f. During the entire time activities permitted by this section are
25 being engaged in, no other gambling is engaged in at the same loca-
26 tion.

27 2. The other provisions of this section notwithstanding, if the games
28 or raffles are conducted by a qualified organization also licensed under
29 section nine (9) of this Act, the sponsor may charge an entrance fee or
30 a fee to participate in the games or raffles, and participants may wager
31 their own funds and pay an entrance or other fee for participation,
32 provided that a participant may not expend more than a total of fifty
33 dollars for all fees and wagers. The provisions of paragraphs b and c of
34 subsection three (3) of section nine (9) of this Act shall apply to games
35 and raffles conducted by a qualified organization pursuant to this sec-
36 tion.

37 3. The department may issue a license pursuant to this section only
38 once during a calendar year to any one person or for any one location.
39 The license may be issued only upon submission to the department of
40 an application and a license fee of twenty-five dollars.

1 SEC. 11. Section ninety-nine B point nine (99B.9), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **99B.9 Gambling in public places.**

5 1. Except as otherwise permitted by sections five (5), seven (7), eight
6 (8), nine (9), ten (10), or thirteen (13), of this Act, it is unlawful to per-
7 mit gambling on any premises owned, leased, rented, or otherwise oc-
8 cupied by a person other than a government, governmental agency or
9 subdivision, unless all of the following are complied with:

10 a. The person occupying the premises as an owner or tenant has sub-
11 mitted an application for a license and an application fee of twenty-
12 five dollars, and has been issued a license for those premises, and
13 prominently displays the license on the premises.

14 b. The holder of the license or any agent or employee of the license
15 holder does not participate in, sponsor, conduct, or promote, or act as
16 cashier or banker for any gambling activities.

17 c. Gambling other than social games is not engaged in on the prem-
18 ises covered by the license or permit.

19 d. Concealed numbers or conversion charts are not used to play any
20 game, and a game is not adapted with any control device to permit
21 manipulation of the game by the operator in order to prevent a player
22 from winning or to predetermine who the winner will be, and the ob-

*According to enrolled Act

23 ject of the game is attainable and possible to perform under the rules
24 stated from the playing position of the player.

25 e. The game must be conducted in a fair and honest manner.

26 f. No person receives or has any fixed or contingent right to receive,
27 directly or indirectly any amount wagered or bet or any portion of
28 amounts wagered or bet, except an amount which the person wins as a
29 participant while playing on the same basis as every other participant.

30 g. No cover charge, participation charge or other charge is imposed
31 upon a person admitted to the premises, whether or not the person partic-
32 ipates in gambling, and no rebate, discount, credit, or other method
33 is used to discriminate between the charge for goods or services to partic-
34 ipants in gambling and the charge for goods or services to nonpartic-
35 ipants.

36 h. No participant wins or loses more than a total of fifty dollars or
37 other consideration equivalent thereto in all games and activities at
38 any one time during any period of twenty-four consecutive hours or
39 over that entire period. For the purpose of this paragraph, a person
40 wins the total amount at stake in any game, wager or bet, regardless of
41 any amount that person may have contributed to the amount at stake.

42 i. No participant is participating as an agent of another person.

43 j. A representative of the department of revenue or a law enforce-
44 ment agency is immediately admitted, upon request, to the premises
45 with or without advance notice.

46 2. The holder of a license issued pursuant to this section shall be
47 strictly accountable for maintaining compliance with subsection one (1)
48 of this section, and proof of any violation shall constitute grounds for
49 revocation of the license issued pursuant to this section, whether or not
50 the holder of the license had knowledge of the facts constituting the vi-
51 olation.

52 3. A participant in a social game which is not in compliance with
53 this section shall be liable for a criminal penalty only if that partici-
54 pant has knowledge of or reason to know the facts constituting the vio-
55 lation.

56 4. The holder of a license issued pursuant to this section and every
57 agent of that licensee who is required by the licensee to exercise control
58 over the use of the premises who knowingly permits acts or omissions
59 which constitute a violation of subsection one (1) of this section com-
60 mits a misdemeanor. A licensee has knowledge of acts or omissions if
61 any agent of the licensee has knowledge of those acts or omissions.

62 5. This section shall not apply to premises or portions of premises
63 constituting the living quarters of the actual residence of an individual
64 if that individual is a participant in the activities permitted by this
65 section.

1 SEC. 12. Section ninety-nine B point ten (99B.10), Code 1975, is
2 amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 DIVISION III

5 GAMES FOR WHICH A LICENSE IS NOT REQUIRED

6 **99B.10 Mechanical and electronic amusement devices.** It is
7 lawful to own, possess, and offer for use by any person at any location
8 an electrical or mechanical amusement device, but only if all of the
9 following are complied with:

10 1. A prize of cash or merchandise shall not be awarded for use of the
11 device. However, a mechanical or amusement device may be designed
12 or adapted to award one or more free games or portions of games with-
13 out payment of additional consideration by the participant.

14 2. An amusement device shall not be designed or adapted to cause or
 15 to enable a person to cause the release of free games or portions of
 16 games when designated as a potential award for use of the device, and
 17 shall not contain any meter or other measurement device for recording
 18 the number of free games or portions of games which are awarded.

19 3. An amusement device shall not be designed or adapted to enable
 20 a person using the device to increase the chances of winning free games
 21 or portions of games by paying more than is ordinarily required to
 22 play the game.

23 It is lawful for an individual other than an owner or promoter of an
 24 amusement device to operate an amusement device, whether or not the
 25 amusement device is owned, possessed or offered for use in compliance
 26 with this section.

27 The use of an amusement device which complies with this section
 28 shall not be deemed gambling.

1 SEC. 13. Section ninety-nine B point eleven (99B.11), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **99B.11 Bona fide contests.**

5 1. It is lawful for a person to conduct any of the contests specified in
 6 subsection two (2) of this section, and to offer and pay awards to per-
 7 sons winning in those contests whether or not entry fees, participation
 8 fees, or other charges are assessed against or collected from the partici-
 9 pants, but only if all of the following are complied with:

10 a. The contest is not held at an amusement concession.

11 b. No gambling device is used in conjunction with, or incident to the
 12 contest.

13 c. The contest is not conducted in whole or in part on or in any
 14 property subject to chapter two hundred ninety-seven (297) of the
 15 Code, relating to schoolhouses and schoolhouse sites, unless the contest
 16 and the person conducting the contest has the express written approval
 17 of the governing body of that school district.

18 d. The contest is conducted in a fair and honest manner. A contest
 19 shall not be designed or adapted to permit the operator of the contest
 20 to prevent a participant from winning or to predetermine who the win-
 21 ner will be, and the object of the contest must be attainable and possi-
 22 ble to perform under the rules stated.

23 2. A contest is not lawful unless it is one of the following contests:

24 a. Athletic or sporting contests, leagues or tournaments, rodeos,
 25 horse shows, golf, bowling, trap or skeet shoots, fly casting, tractor pull-
 26 ing, rifle, pistol, musket, muzzle-loader, archery and horseshoe contests,
 27 leagues or tournaments.

28 b. Horse races, harness racing, ski, airplane, snowmobile, raft, boat,
 29 bicycle and motor vehicle races.

30 c. Contests or exhibitions of cooking, horticulture, livestock, poultry,
 31 fish or other animals, artwork, hobbywork or craftwork, except those
 32 prohibited by section seven hundred twenty-six point seven (726.7) of
 33 the Code.

1 SEC. 14. Chapter ninety-nine B (99B), Code 1975, is amended by
 2 adding the following new section:

3 **NEW SECTION. Games between individuals.**

4 1. Except in instances where because of the location of the game or
 5 the circumstances of the game section five (5), section seven (7), section
 6 eight (8), section nine (9), section ten (10), or section eleven (11) of this
 7 Act is applicable, individuals may participate in gambling specified in
 8 subsection two (2) of this section, but only if all of the following are
 9 complied with:

- 10 a. The gambling is incidental to a bona fide social relationship be-
11 tween all participants.
- 12 b. The gambling is not participated in, either wholly or in part, on
13 or in any property subject to chapter 297, relating to schoolhouses and
14 schoolhouse sites.
- 15 c. All participants in the gambling are individuals, and no partici-
16 pant may participate as the agent of another person.
- 17 d. The gambling shall be fair and honest, and shall not be designed,
18 devised or adapted to permit predetermination of the winner, or to
19 prevent a participant from winning, and no concealed numbers or con-
20 version charts may be used to determine the winner of any game.
- 21 e. No person receives or has any fixed or contingent right to receive,
22 directly or indirectly, any profit, remuneration, or compensation from
23 or as a result of the gambling, except any amount which the person
24 may win as a participant on the same basis as the other participants.
- 25 f. No person may participate in any wager, bet or pool which relates
26 to an athletic event or contest and which is authorized or sponsored by
27 one or more schools, educational institutions, or interscholastic athletic
28 organizations if the person is a coach, official, player or contestant in
29 the athletic event or contest.
- 30 g. No participant wins or loses more than a total of fifty dollars or
31 other consideration equivalent thereto in one or more games or activi-
32 ties permitted by this section at any time during any period of twenty-
33 four consecutive hours or over that entire period. For the purpose of
34 this paragraph a person wins the total amount at stake in any game,
35 wager or bet, regardless of any amount that person may have contrib-
36 uted to the amount at stake.
- 37 h. No participant pays an entrance fee, cover charge, or other charge
38 for the privilege of participating in gambling, or for the privilege of
39 gaining access to the location in which gambling occurs.
- 40 i. In any game requiring a dealer or operator, the participants must
41 have the option to take their turn at dealing or operating the game in
42 a regular order according to the standard rules of the game.
- 43 2. Games which are permitted by this section are limited to the fol-
44 lowing:
- 45 a. Card and parlor games, including but not limited to poker, pi-
46 nochle, pitch, gin rummy, bridge, euchre, hearts, cribbage, dominos,
47 checkers, chess, backgammon and darts. However, it shall be unlawful
48 gambling for any person to engage in bookmaking, or to play any
49 punchboard, pushcard, pull-tab or slot machine, or to play craps,
50 chuck-a-luck, roulette, klondike, blackjack, chemin de fer, baccarat,
51 faro, equality, three card monte or any other game, except poker,
52 which is customarily played in gambling casinos and in which the
53 house customarily provides a banker, dealer or croupier to operate the
54 game, or a specially designed table upon which to play same.
- 55 b. Games of skill and games of chance, except those prohibited by
56 paragraph a of this subsection.
- 57 c. Wagers or bets between two or more individuals who are physical-
58 ly in the presence of each other with respect to a contest specified in
59 subsection two (2) of section thirteen (13) of this Act, except as provid-
60 ed in paragraph g of subsection one (1) of this section, or with respect
61 to any other event or outcome which does not depend upon gambling
62 or the use of a gambling device unlawful in this state.
- 63 3. An individual may not be convicted of a violation of this section
64 unless the individual had knowledge of or reason to know the facts
65 constituting the violation.

1 SEC. 15. Chapter ninety-nine B (99B), Code 1975, is amended by
2 adding the following new sections:

3 DIVISION IV

4 RULES—LICENSE PROCEEDINGS—PENALTIES.

5 NEW SECTION. **Administrative rules.** The department may adopt,
6 amend and repeal rules pursuant to chapter seventeen A (17A) of the
7 Code to carry out the provisions of this Act. Rules adopted by the di-
8 rector may include but are not limited to the following:

9 1. Descriptions of books, records and accounting required.

10 2. Requirements for qualified organizations.

11 3. Methods of displaying costs and explanations of games and rules.

12 4. Defining unfair or dishonest games, acts or practices.

13 NEW SECTION. **Revocation of license.** The department shall re-
14 voke a license issued pursuant to this Act if the licensee or any agent
15 of the licensee violates or permits a violation of any of the provisions
16 of this Act, or if any cause exists for which the director would have
17 been justified in refusing to issue a license, or upon the conviction of
18 any person of a violation of this Act which occurred on the licensed
19 premises.

20 Revocation proceedings shall be held only after giving notice and an
21 opportunity for hearing to the licensee. Notice shall be given at least
22 ten days in advance of the date set for hearing. If the department
23 finds cause for revocation, the license shall be revoked and thereafter
24 no license may be issued to the person, or to the agent of the person
25 found to be in violation of this Act.

26 NEW SECTION. **Applicability of chapter.** It is the intent and pur-
27 pose of this chapter to authorize gambling in this state only to the ex-
28 tent specifically permitted by a section of this chapter. Except as
29 otherwise provided in this chapter, the knowing failure of any person
30 to comply with the limitations imposed by this chapter constitutes un-
31 lawful gambling, a misdemeanor, which is punishable as provided in
32 chapter seven hundred twenty-six (726) of the Code.

33 NEW SECTION. **Failure to maintain or submit records.** A licen-
34 see who willfully fails to maintain the records when required by section
35 four (4) of this Act, or who willfully fails to submit records when re-
36 quired by that section commits a misdemeanor punishable by imprison-
37 ment in the county jail for not more than one year, or by a fine of not
38 more than one thousand dollars, or by both imprisonment and fine.

39 NEW SECTION. **Gambling on credit unlawful.** A person who tend-
40 ers and a person who receives any promise, agreement, note, bill, bond,
41 contract, mortgage or other security, or any negotiable instrument, as
42 consideration for any wager or bet, whether or not lawfully conducted
43 or engaged in pursuant to this chapter, commits a misdemeanor. This
44 section shall not prohibit the payment by check of any entry or partici-
45 pation fee assessed by the sponsor of a contest lawful under section
46 thirteen (13) of this Act.

47 NEW SECTION. **Company games.** Games of skill, games of chance,
48 card games and raffles may be conducted on premises either licensed or
49 unlicensed and no license fee shall be required therefor provided a
50 bona fide social, employment, trade or professional association rela-
51 tionship exists between the sponsors and the participants and the par-
52 ticipants pay no consideration of any nature, either directly or
53 indirectly, to participate in the games or raffles, and only play money
54 or other items of no intrinsic value which may be wagered are provided
55 to the participant free, and the sponsor conducting the game or raffle
56 receives no consideration, either directly or indirectly, other than good-
57 will.

58 Any gambling device intended for use or used as herein provided
59 shall be exempt from the provisions of section twenty (20) of this Act.

1 SEC. 16. Section one hundred twenty-three point forty-nine
2 (123.49), subsection two (2), paragraph a, Code 1975, is amended to
3 read as follows:

4 a. Knowingly permit any ~~gaming~~, gambling, *except in accordance*
5 *with chapter ninety-nine B (99B) of the Code, or knowingly permit*
6 *solicitation for immoral purposes, or immoral or disorderly conduct on*
7 *the premises covered by the license or permit. This paragraph shall not*
8 *apply to games of skill, games of chance, or raffle conducted pursuant*
9 *to chapter 99B, or to devices lawful under section 99B.10 or to games*
10 *lawful under section 726.12.*

1 SEC. 17. Section five hundred thirty-seven A point four (537A.4),
2 unnumbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 This section shall not apply to a contract for the operation of or for
5 the sale or rental of equipment for games of skill or games of chance, if
6 both the contract and the games are in compliance with chapter 99B or
7 section 726.12.

1 SEC. 18. Section seven hundred twenty-six point one (726.1), Code
2 1975, is amended to read as follows:

3 **726.1 Keeping gambling houses.** *If any person keep Any per-*
4 *son who keeps a house, shop, or place resorted to for the purpose of*
5 *gambling, or permit or suffer permits any person in any house, shop,*
6 *or other place under his control or care to conduct bookmaking or to*
7 *play at cards, dice, faro, roulette, equality, punchboard, slot machine*
8 *or other game for money or other thing, such offender shall be fined in*
9 *a sum not less than fifty nor more than three hundred dollars, or be*
10 *imprisoned in the county jail not exceeding one year, or both commits*
11 *a misdemeanor.*

1 SEC. 19. Section seven hundred twenty-six point three (726.3), Code
2 1975, is amended to read as follows:

3 **726.3 Gaming and betting—penalty.** *If any person play at Any*
4 *person who participates in any game for any sum of money or other*
5 *property of any value, or make any who makes any bet or wager for*
6 *money or other property of value, he shall be guilty of or who engages*
7 *in bookmaking commits a misdemeanor.*

1 SEC. 20. Section seven hundred twenty-six point five (726.5), Code
2 1975, is amended to read as follows:

3 **726.5 Possession of gambling devices prohibited.** No one
4 shall, in any manner or for any purpose whatever, except under pro-
5 ceeding to destroy the same, have, keep, or hold in possession or con-
6 trol any ~~roulette wheel, klondike table, poker table, punchboard, faro,~~
7 ~~or keno layouts or any other machines used for gambling, or any slot~~
8 ~~machine or device with an element of chance attending such operation~~
9 *gambling device. The term "gambling device" means and includes*
10 *every device used or adapted or designed to be used for gambling.*
11 *Roulette wheels, klondike tables, punchboards, faro layouts, keno*
12 *layouts, numbers tickets, slot machines, pinball machines, push*
13 *cards, jar tickets and pull-tabs are gambling devices per se. The*
14 *term "gambling device" does not include any device regularly man-*
15 *ufactured and offered for sale and sold as a toy, except that any use*
16 *of such a device for gambling purposes constitutes unlawful gam-*
17 *bling.*

1 SEC. 21. Section seven hundred twenty-six point eight (726.8), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 If any person make or aid in making or establishing, or advertise or
 5 make public any scheme for any lottery; or advertise, offer for sale,
 6 sell, negotiate, dispose of, purchase, or receive any ticket or part of a
 7 ticket in any lottery or number thereof; or have in his possession any
 8 ticket, part of a ticket, or paper purporting to be the number of any
 9 ticket of any lottery, with intent to sell or dispose of the same on his
 10 own account or as the agent of another, ~~he shall be imprisoned in the~~
 11 ~~county jail not more than thirty days, or be fined not exceeding one~~
 12 ~~hundred dollars, or both the person commits a misdemeanor.~~

1 SEC. 22. Section seven hundred twenty-six point eleven (726.11),
 2 Code 1975, is amended to read as follows:

3 **726.11 Exceptions.** Sections 726.1 to 726.6, and section 726.8
 4 shall not apply to ~~games of skill, games of chance and raffles conduct-~~
 5 ~~ed pursuant to chapter 99B and shall not apply to mechanical or elec-~~
 6 ~~tronic amusement devices lawful under section 99B.10, or games lawful~~
 7 ~~under section 726.12 any game, activity or device when lawfully pos-~~
 8 ~~sessed, used, conducted or participated in pursuant to chapter~~
 9 ~~ninety-nine B (99B) of the Code.~~

1 SEC. 23. Chapter seven hundred twenty-six (726), Code 1975, is
 2 amended by adding the following new section:

3 **NEW SECTION. Penalty.** A person who commits an offense declared
 4 in this chapter or chapter ninety-nine B (99B) of the Code to be a mis-
 5 demeanor shall be subject to imprisonment in the county jail for a pe-
 6 riod not exceeding one year, or to a fine not exceeding one thousand
 7 dollars, or to both fine and imprisonment.

1 SEC. 24. Chapter seven hundred twenty-six (726), Code 1975, is
 2 amended by adding the following new sections:

3 **NEW SECTION. Protection money prohibited.** Any officer or em-
 4 ployee of this state, or of a county, city, or judicial district who asks
 5 for, receives or collects any money or other consideration for and with
 6 the understanding that the officer or employee will aid, exempt, or
 7 otherwise protect another person from detection, arrest or conviction of
 8 any violation of this chapter or chapter ninety-nine B (99B) of the
 9 Code commits a felony punishable by a fine not to exceed five thou-
 10 sand dollars or by imprisonment for a term not to exceed two years, or
 11 by both fine and imprisonment.

12 **NEW SECTION. Collection service prohibited.** Any person who
 13 knowingly offers, gives or sells his or her services for use in collecting
 14 or enforcing any debt arising from gambling, whether or not lawful
 15 gambling, commits a felony, punishable by a fine not to exceed five
 16 thousand dollars or by imprisonment for a term not to exceed two
 17 years, or by both fine and imprisonment.

1 SEC. 25. Sections seven hundred twenty-six point twelve (726.12)
 2 and seven hundred twenty-six point thirteen (726.13), Code 1975, are
 3 repealed.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 100

FIRE EXTINGUISHERS

H. F. 77

AN ACT relating to the installation of automatic fire extinguishing systems in high-rise buildings, and providing penalties.

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

1 SECTION 1. Chapter one hundred (100), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. All buildings that are approved for construction, after
4 the effective date of this Act, that exceed four stories in height, or
5 sixty-five feet above grade, shall require the installation of an ap-
6 proved automatic fire extinguishing system designed and installed in
7 conformity with rules and regulations promulgated by the state fire
8 marshal pursuant to chapter one hundred (100) of the Code.

9 The requirements of this section shall not apply to the following:

10 1. Any noncombustible elevator storage structure or any noncombus-
11 tible plant building with noncombustible contents.

12 2. Any combustible elevator storage structure that is equipped with
13 an approved dry-pipe, nonautomatic sprinkler and automatic alarm
14 system.

15 3. Buildings in existence or under construction on the effective date
16 of this Act. However, if subsequent to the effective date of this Act any
17 building is enlarged or altered beyond the height limitations applica-
18 ble to new buildings, such building in its entirety shall be subject to all
19 the provisions of this Act.

20 Plans and installation of systems shall be approved by the state fire
21 marshal, a designee of the state fire marshal, or local authorities hav-
22 ing jurisdiction. Except where local fire protection regulations are more
23 stringent, the provisions of this section shall be applicable to all build-
24 ings, whether privately or publicly owned. The definition of terms
25 shall be in conformity, insofar as possible, with definitions found in
26 the state building code.

27 Any person violating the provisions of this Act is guilty of a misde-
28 meanor and shall, upon conviction, be subject to a fine not to exceed
29 one hundred dollars or by imprisonment in the county jail for not
30 more than thirty days, or be subject to both such fine and imprison-
31 ment.

Approved July 15, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 101

SHERIFF'S FEES

H. F. 891

AN ACT relating to fees collected by sheriffs and certain other police authorities.

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

1 SECTION 1. Section one hundred one A point three (101A.3), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The sheriff or the chief of police shall charge a fee
4 of three dollars for each permit issued. The money collected from per-
5 mit fees shall be deposited in the general fund of the county or the
6 city.

1 SEC. 2. Section one hundred one A point twelve (101A.12), Code
2 1975, is amended to read as follows:

3 **101A.12 Use of fees.** The fees collected by the commissioner of
4 public safety in issuing licenses shall be deposited in a special fund in
5 the state treasury to be used by the commissioner in administering and
6 enforcing the provisions of this chapter. *However, one-sixth of the*
7 *commercial license fee established under section one hundred one A*
8 *point two (101A.2) of the Code shall be paid by the treasurer of state*
9 *to the general fund of the county or city for each storage facility in-*
10 *spected by the sheriff or the police authority of such city.*

1 SEC. 3. Section three hundred twenty-one point four hundred
2 eighty-five (321.485), subsection two (2), Code 1975, is amended by add-
3 ing the following new paragraph:

4 NEW PARAGRAPH. For preparing the summons or memorandum re-
5 ferred to in paragraphs a or b of this subsection, there shall be charged
6 to the person named in the summons or memorandum, upon his con-
7 viction, a fee of two dollars. The fee shall be assessed as part of the
8 court costs and shall be paid into the general fund of the county.

1 SEC. 4. Section three hundred thirty-seven point eleven (337.11),
2 Code 1975, is amended to read as follows:

3 **337.11 Fees.** The sheriff shall charge and be entitled to collect
4 the following fees:

5 1. For serving a notice and making return thereof, for the first per-
6 son served, ~~seventy-five cents~~ *three dollars*, and each additional per-
7 son, ~~fifty cents~~ *three dollars except the fee for serving additional*
8 *persons in the same household shall be one dollar for each addition-*
9 *al service.*

10 2. For each warrant served, three dollars, and the repayment of nec-
11 essary expenses incurred, in executing such warrant, as sworn to by the
12 sheriff; if service of the warrant cannot be made, the repayment of all
13 necessary expenses actually incurred by the sheriff while attempting in
14 good faith to serve such warrant.

15 3. For serving and returning a subpoena, for each person served, ~~fif-~~
16 ~~ty cents~~ *three dollars*, and the necessary expenses incurred while serv-
17 ing subpoenas in criminal cases or insane process.

18 4. For summoning a grand or trial jury, all necessary and actual ex-
19 penses incurred by him.

20 5. For summoning a jury to assess the damages to the owners of
21 lands taken for works of internal improvement, and attending them,
22 ~~seven and one-half~~ *thirty* dollars per day, and necessary expenses in-
23 curred. This subsection shall not be so construed as to allow a sheriff to
24 make separate charges for different assessments, which can be made by
25 the same jury and completed in one day of ten hours.

26 6. For serving an execution, attachment, or order for the delivery of
27 personal property, injunction, or any order of court, and making re-
28 turn thereof, ~~three~~ *five* dollars.

29 7. For making and executing a certificate or deed for lands sold on
30 execution, or a bill of sale for personal property sold, ~~one and one-half~~
31 *five* dollars.

32 8. For the time necessarily employed in making an inventory of per-
33 sonal property attached or levied upon, ~~one-dollar~~ *three dollars* per
34 hour.

35 9. For a copy of any paper required by law, made by him, for each
 36 ~~one hundred words or fraction thereof~~, twenty-five cents.

37 10. Mileage in all cases required by law, going and returning, pro-
 38 vided that this subsection shall not apply where provision is made for
 39 expenses, and in no case shall the law be construed to allow both mile-
 40 age and expenses for the same services and for the same trip. In case
 41 the sheriff transports by auto, one or more persons to any state institu-
 42 tion or any other destination required by law, or in case one or more
 43 legal papers are served on the same trip, he shall be entitled to but one
 44 mileage at the rate prescribed herein, the mileage cost thereof to be
 45 prorated to the respective persons transported and also in the case of
 46 separate papers served. Provided, however, that in the serving of origi-
 47 nal notices in civil cases *and in the serving and returning of a sub-*
 48 *poena* the sheriff shall be allowed mileage expenses in each action
 49 wherein such original notices *or subpoena* are served, *with a mini-*
 50 *imum mileage expense of one dollar for each service*, and, he may re-
 51 fuse to serve original notices in civil cases until the statutory fees and
 52 *estimated* mileage for service have been paid.

53 11. For attending sale of property, for each day, ~~one dollar~~ *three*
 54 *dollars*.

55 12. For conveying one or more persons to any state, county, or pri-
 56 vate institution by order of court, or commission, he shall be allowed
 57 his necessary expenses, for himself and such person or persons, and in
 58 addition thereto, ~~forty cents~~ *three dollars* per hour for the time neces-
 59 sarily employed in going to and from such institution, same to be
 60 charged and accounted for as fees. Should the sheriff *or deputy sheriff*
 61 need any assistance in taking any person to any such institution, the
 62 same shall be furnished at the expense of the county.

63 13. For serving any warrant for the seizure of intoxicating liquors,
 64 one dollar; for the removal and custody of such liquor, actual and rea-
 65 sonable expenses; for the destruction of such liquor under the order of
 66 the court, one dollar and his actual and reasonable expenses; for post-
 67 ing and leaving notices in such cases, one dollar and his actual expen-
 68 ses.

Approved June 29, 1975

CHAPTER 102

VESSELS

S. F. 511

AN ACT relating to vessels.

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

1 SECTION 1. Section one hundred six point four (106.4), Code 1975, is
 2 amended to read as follows:

3 **106.4 Operation of unnumbered vessels prohibited.** Every un-
 4 documented vessel *except as provided in section one hundred six*
 5 *point six (106.6) of the Code* on the waters of this state under the ju-
 6 risdiction of the state conservation commission and waters specifically
 7 delegated to local authorities shall be numbered. No person shall oper-

8 ate, maintain or give permission for the operation or maintenance of
 9 any such vessel on such waters unless the vessel is numbered in accord-
 10 dance with this chapter or in accordance with applicable federal laws or
 11 in accordance with a federally approved numbering system of another
 12 state and unless the certificate of number awarded to such vessel is in
 13 full force and effect and the identifying number set forth in the certifi-
 14 cate of number is displayed on each side of the bow of such vessel.

1 SEC. 2. Section one hundred six point five (106.5), subsection one
 2 (1), unnumbered paragraphs two (2) and three (3), Code 1975, are
 3 amended to read as follows:

4 The owner of such vessel shall file an application for registration
 5 with the appropriate county recorder on forms provided by the com-
 6 mission. The application shall be completed and signed by the owner
 7 of the vessel and shall be accompanied by a fee of eight dollars for
 8 each motorboat or sailboat, four dollars for any other vessel without
 9 sail or motor, and a writing fee of fifty cents. *Upon applying for reg-
 10 istration the owner shall surrender the certificate of origin to the
 11 county recorder.* Upon receipt of the application in approved form ac-
 12 companied by the required fees, the county recorder shall enter the
 13 same upon the records of his office and shall issue to the applicant a
 14 pocket-size registration certificate. The certificate shall be executed in
 15 triplicate, one copy to be delivered to the owner, one copy to the com-
 16 mission, and one copy to be retained on file by the county recorder.
 17 The registration certificate shall bear thereon the number awarded to
 18 such vessel, the passenger capacity of such vessel and the name and ad-
 19 dress of the owner. ~~The~~ *In the use of all vessels except nonpowered
 20 sailboats, nonpowered canoes and commercial vessels the registra-
 21 tion certificate shall be carried either in the vessel or on the person of
 22 the operator of such vessel when in use. In the use of nonpowered
 23 sailboats, nonpowered canoes or commercial vessels, the registration
 24 certificate may be kept on shore in accordance with rules promul-
 25 gated by the commission where it is accessible upon request of any
 26 officer or other public official.*

27 ~~The~~ *On all vessels except nonpowered sailboats the owner shall
 28 cause the identification number to be painted on or attached to each
 29 side of the bow of the vessel in such size and manner as may be pre-
 30 scribed by the rules of the commission and. On nonpowered boats the
 31 number may be placed at alternate locations as prescribed by the
 32 rules of the commission. All numbers shall be maintained in a legible
 33 condition at all times.*

1 SEC. 3. Section one hundred six point five (106.5), Code 1975, is
 2 amended by adding the following new subsections:

3 NEW SUBSECTION. The owner of each vessel which has a valid ma-
 4 rine document issued by the bureau of customs of the United States
 5 government or any federal agency successor thereto shall register it ev-
 6 ery two years with the county recorder in the same manner prescribed
 7 for undocumented vessels and shall cause the registration validation
 8 decal to be placed on the vessel in the manner prescribed by the rules
 9 of the commission. When such vessel bears the identification required
 10 in the documentation, it shall be exempt from the placement of the
 11 identification numbers as required on undocumented vessels. The fee
 12 for such registration shall be twenty-five dollars plus the usual writing
 13 fee.

14 NEW SUBSECTION. If the owner of a registered vessel places such ves-
 15 sel in storage, he shall return the registration certificate to the county
 16 recorder with an affidavit stating that the vessel is placed in storage

17 and the effective date of such storage. The county recorder shall notify
18 the commission of each registered vessel placed in storage. When the
19 owner of a stored vessel desires to renew the vessel's registration, he
20 shall make application to the county recorder and pay the registration
21 fees as provided in subsections one (1) and three (3) of this section with-
22 out penalty. No refund of registration fees shall be allowed for a stored
23 vessel.

1 SEC. 4. Section one hundred six point six (106.6), Code 1975, sub-
2 sections one (1) and three (3), are amended to read as follows:

3 1. Covered by a number in full force and effect which has been
4 awarded to it pursuant to ~~federal law~~ or a federally-approved number-
5 ing system of another state if such vessel shall not have been within
6 this state for a period in excess of ~~ninety sixty~~ days within one calen-
7 dar year.

8 3. A public vessel of the United States, a state or subdivision thereof
9 *which is used for enforcement, search and rescue or official research*
10 *and studies, but not including vessels used for recreation or com-*
11 *mmercial purposes.*

1 SEC. 5. Section one hundred six point six (106.6), Code 1975, is
2 amended by adding the following new subsections:

3 NEW SUBSECTION. An air mattress, inner tube, or other toy or beach
4 type item which is being used in a recognized swimming area. In the
5 case of a natural lake or reservoir these beach or swimming areas may
6 be less, but in no case shall exceed three hundred feet from shore.

7 NEW SUBSECTION. The following nonpower or nonsail vessels:

8 a. Inflatable vessels, seven feet or less in length.

9 b. Conventional design canoes and kayak type vessels, thirteen feet
10 or less in length.

1 SEC. 6. Section one hundred six point twelve (106.12), subsection
2 five (5), Code 1975, is amended to read as follows:

3 5. No person shall operate a vessel and enter into areas in which
4 search and rescue operations are being conducted *or an area affected*
5 *by a natural disaster* unless authorized by the officer in charge of the
6 search and rescue *or disaster* operation. Any person authorized in an
7 area of operation shall operate his vessel at a no wake speed and shall
8 keep clear of all other vessels engaged in the search and rescue *or di-*
9 *saster* operation.

10 *A person who must operate a vessel in a disaster area to gain ac-*
11 *cess or egress from the person's home shall be considered an autho-*
12 *rized person by the officer in charge.*

1 SEC. 7. Section one hundred six point forty-three (106.43), Code
2 1975, is amended to read as follows:

3 **106.43 Transfer of ownership.** Upon the transfer of ownership
4 of any vessel, the owner, except as otherwise provided by this chapter,
5 shall complete the form on the back of the registration certificate and
6 shall deliver it to the purchaser or transferee at the time of delivering
7 the vessel. *All registrations must be valid for the current registra-*
8 *tion period prior to the transfer of any registration, including as-*
9 *ignment to a dealer.*

1 SEC. 8. Chapter one hundred six (106), Code 1975, is amended by
2 adding the following new section:

3 **NEW SECTION. Certificate of origin.**

4 1. A manufacturer, importer, dealer or other person shall not sell or
5 otherwise dispose of a new vessel subject to registration under the pro-

6 visions of this chapter to a dealer to be used by such dealer for purpos-
 7 es of display and lease or resale without delivering to such dealer a
 8 manufacturer's or importer's certificate of origin duly executed and
 9 with such information thereon as may be required by the rules of the
 10 commission. The dealer of vessels subject to registration under the pro-
 11 visions of this chapter shall upon the vessel's disposal or sale to any
 12 person surrender the certificate of origin to that person at the time pos-
 13 session of the vessel is taken by such person.

14 2. Any person other than a manufacturer who constructs a vessel or
 15 uses an unconventional device as a vessel for navigation shall submit
 16 detailed specifications of such vessel or device to the commission. The
 17 commission shall assign a hull identification number to the vessel or
 18 device. The applicant shall cause the number to be carved, burned,
 19 stamped, embossed, or otherwise permanently affixed to the outboard
 20 side of the transom or, if there is no transom, to the outermost star-
 21 board side at the end of the hull that bears the rudder or other steering
 22 mechanism, above the waterline of the vessel or device in such a way
 23 that alteration, removal, or replacement would be obvious and evident.

24 The builder or owner of such vessel or device shall execute a certifi-
 25 cate of origin in the same manner as is required of a manufacturer, and
 26 in the registration or sale of such vessel or device the certificate of ori-
 27 gin shall be required and surrendered in the same manner as for manu-
 28 factured or imported vessels.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 103

DISPOSITION OF CERTAIN WILD GAME

H. F. 156

AN ACT relating to the disposition of certain game by the state conservation commission.

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

1 SECTION 1. Chapter one hundred nine (109), Code 1975, is amended
 2 by adding the following new section:

3 NEW SECTION. Except as provided in section one hundred nine
 4 point thirteen (109.13) of the Code, any game or fish seized by the
 5 commission under section one hundred nine point twelve (109.12) of
 6 the Code or any game accidentally killed by a motor vehicle on a pub-
 7 lic highway shall, when salvageable, be disposed of as determined by
 8 the commission or its designee.

Approved June 3, 1975

CHAPTER 104

BONDING OF COMMERCIAL FISHERMEN

S. F. 230

AN ACT relating to bonding requirements for contracts with commercial fishermen.

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

1 SECTION 1. Section one hundred nine point eighteen (109.18), Code
2 1975, is repealed.

Approved April 28, 1975

CHAPTER 105

SALE OF GAME FOR FOOD

H. F. 262

AN ACT relating to the sale of game by a game breeder for food purposes.

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

1 SECTION 1. Section one hundred nine point sixty-one (109.61), Code
2 1975, is amended to read as follows:

3 **109.61 License to possess.** A licensed game breeder may hold in
4 possession at any time any game bird, game animal or fur-bearing ani-
5 mal raised by him or obtained from without the state or from a li-
6 censed game breeder within the state. Such licensee may buy, sell, or
7 otherwise dispose of such game birds, game animals, fur-bearing ani-
8 mals, or any part thereof. Possession and use of such game birds, game
9 animals or fur-bearing animals obtained from a licensed game breeder
10 shall be deemed lawful, provided that no game birds or *game animals*
11 so obtained may be sold for food, except under the following condi-
12 tions: Upon filing with the state conservation commission a facsimile
13 of a stamp of similar type to that used by the United States depart-
14 ment of agriculture in grading meat, licensed game breeders may sell
15 dressed ~~pheasants~~ *game birds or game animals* to markets for resale
16 providing each ~~pheasant~~ *game bird or game animal* has affixed in a
17 conspicuous and legible manner the imprint of such stamp. Such
18 stamps shall bear the name and license number of the game breeder in
19 letters of at least twelve-point type size.

20 Markets selling such stamped ~~pheasants~~ *game* shall maintain the
21 stamp on each ~~and every pheasant~~ *game bird or game animal* until
22 finally sold or disposed of. All markets selling such stamped ~~pheasants~~
23 *game birds or game animals* shall keep a record showing the total
24 number of ~~pheasants~~ *game birds or game animals* sold together with
25 the name and address of the game breeder from whom purchased and
26 the number of ~~pheasants~~ *game birds and game animals* in each such
27 purchase. Markets retailing such stamped ~~pheasants~~ *game*, together
28 with their records, shall be subject to inspection by any authorized rep-
29 resentative of the state conservation commission at any reasonable
30 hour.

31 Violation of the provisions of this section shall constitute a misde-
32 meanor and punishment shall be as provided for in section 109.32.

Approved April 28, 1975

CHAPTER 106

FISHING BAIT

S. F. 231

AN ACT relating to the inspection of fishing bait.

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

1 SECTION 1. Section one hundred nine point seventy (109.70), Code
2 1975, is repealed.

Approved April 28, 1975

CHAPTER 107

HUNTING NEAR BUILDINGS

S. F. 132

AN ACT to prohibit hunting within one hundred yards of buildings.

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

1 SECTION 1. Chapter one hundred nine (109), Code 1975, is amended
2 by adding the following new section:

3 NEW SECTION. A person shall not hunt any game within one
4 hundred yards of any building unless the owner or tenant has given
5 consent.

Approved April 28, 1975

CHAPTER 108

WILDLIFE PENALTIES AND CIVIL DAMAGES

S. F. 82

AN ACT relating to civil damages for unlawfully taking certain protected species of wildlife.

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

1 SECTION 1. Section one hundred nine point one hundred thirty
2 (109.130), subsection one (1), Code 1975, is amended to read as follows:

3 1. For each deer, *elk, antelope, buffalo or moose*, three hundred
4 dollars.

Approved April 28, 1975

CHAPTER 109

ENDANGERED WILDLIFE AND PLANTS

H. F. 497

AN ACT relating to the conservation management and protection of fish, plant life, and wildlife species endangered or threatened with extinction and prescribing penalties.

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

- 1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act:
 2 1. "Commission" means the state conservation commission.
 3 2. "Director" means the director of the state conservation commis-
 4 sion.
 5 3. "Endangered species" means any species of fish, plant life, or
 6 wildlife which is in danger of extinction throughout all or a significant
 7 part of its range. "Endangered species" does not include a species of
 8 insecta determined by the commission or the secretary of the United
 9 States department of interior to constitute a pest whose protection un-
 10 der this Act would present an overwhelming and overriding risk to
 11 man.
 12 4. "Fish or wildlife" means any member of the animal kingdom, in-
 13 cluding any mammal, fish, amphibian, mollusk, crustacean, arthropod,
 14 or other invertebrate, and includes any part, product, egg, or offspring,
 15 or the dead body of parts thereof. Fish or wildlife includes migratory
 16 birds, nonmigratory birds, or endangered birds for which protection is
 17 afforded by treaty or other international agreement.
 18 5. "Import" means to bring into, or introduce into, or attempt to
 19 bring into, or attempt to introduce into, any place subject to the juris-
 20 diction of this state.
 21 6. "Person" means person as defined in subsection thirteen (13) of
 22 section four point one (4.1) of the Code.
 23 7. "Plant or plant life" means any member of the plant kingdom,
 24 including seeds, roots, and other parts thereof.
 25 8. "Species" includes any subspecies of fish, plant life, or wildlife
 26 and any other group of fish, plants, or wildlife of the same species or
 27 smaller taxa in common spatial arrangement that interbreed or cross-
 28 pollinate when mature.
 29 9. "Take", in reference to fish and wildlife, means to harass, harm,
 30 pursue, hunt, shoot, wound, kill, trap, capture, collect and it includes
 31 an attempt to engage in any such conduct.
 32 10. "Take", in reference to plants, means to collect, pick, cut, dig
 33 up, or destroy in any manner.
 34 11. "Threatened species" means any species which is likely to be-
 35 come an endangered species within the foreseeable future throughout
 36 all or a significant portion of its range.

1 SEC. 2. NEW SECTION. The commission shall perform those acts
 2 necessary for the conservation, protection, restoration, and propagation
 3 of endangered and threatened species in cooperation with the federal
 4 government, pursuant to Public Law ninety-three hyphen two hundred
 5 five (93-205), and pursuant to rules promulgated by the secretary of the
 6 interior.

1 SEC. 3. NEW SECTION. The director shall conduct investigations on
 2 fish, plants, and wildlife in order to develop information relating to
 3 population, distribution, habitat needs, limiting factors, and other bio-
 4 logical and ecological data to determine management measures neces-
 5 sary for their continued ability to sustain themselves successfully. On
 6 the basis of these determinations and other available scientific and

7 commercial data, which may include consultation with scientists and
 8 others who may have specialized knowledge, learning, or experience,
 9 the commission shall pursuant to chapter seventeen A (17A) of the
 10 Code promulgate a rule listing those species of fish, plants, and wild-
 11 life which are determined to be endangered or threatened within the
 12 state.

13 The commission shall review the state list of endangered and threat-
 14 ened species at least every two years and may amend the list.

1 SEC. 4. NEW SECTION. The director shall establish programs, in-
 2 cluding acquisition of land or aquatic habitat, necessary for the man-
 3 agement of endangered or threatened species.

4 In carrying out the programs authorized by this section, the commis-
 5 sion may enter into cooperative agreements with federal and state
 6 agencies, political subdivisions of the state, or with private persons for
 7 the administration and management of any area or program estab-
 8 lished under this section or for investigation as outlined in section
 9 three (3) of this Act.

1 SEC. 5. NEW SECTION. Except as otherwise provided in this Act, a
 2 person shall not take, possess, transport, import, export, process, sell or
 3 offer for sale, buy or offer to buy, nor shall a common or contract car-
 4 rier transport or receive for shipment, any species of fish, plants, or
 5 wildlife appearing on the following lists:

6 1. The list of fish, plants, and wildlife indigenous to the state deter-
 7 mined to be endangered or threatened within the state pursuant to sec-
 8 tion three (3) of this Act.

9 2. The United States list of endangered or threatened native fish
 10 and wildlife as contained in the code of federal regulations, title fifty
 11 (50), part seventeen (17) as amended to December 30, 1974.

12 3. The United States list of endangered or threatened plants as con-
 13 tained in the code of federal regulations, title fifty (50), part seventeen
 14 (17) as amended to December 30, 1974.

15 4. The United States list of endangered or threatened foreign fish
 16 and wildlife as contained in the code of federal regulations, title fifty
 17 (50), part seventeen (17) as amended to December 30, 1974.

18 5. A species of fish, plant, or wildlife appearing on any of the lists
 19 which enters the state from another state or from a point outside the
 20 territorial limits of the United States may enter, be transported, pos-
 21 sessed and sold in accordance with the terms of a federal permit issued
 22 pursuant to Public Law ninety-three hyphen two hundred five (93-205)
 23 or an applicable permit issued under the laws of another state.

1 SEC. 6. NEW SECTION. The commission may, by rule, treat any
 2 species as an endangered species or threatened species even though it is
 3 not listed pursuant to section three (3) of this Act if it finds that the
 4 species so closely resembles in appearance a species which is listed pur-
 5 suant to section three (3) of this Act and that enforcement personnel
 6 would have substantial difficulty in attempting to differentiate be-
 7 tween the listed and unlisted species, and the effect of this substantial
 8 difficulty is an additional threat to an endangered or threatened spe-
 9 cies, or finds that the treatment of an unlisted species will substantial-
 10 ly facilitate the enforcement and further the intent of this Act.

1 SEC. 7. NEW SECTION. The director may permit the taking, possession,
 2 purchase, sale, transportation, importation, exportation, or ship-
 3 ment of endangered or threatened species which appear on the state
 4 list for scientific, zoological, or educational purposes, for propagation
 5 in captivity of such fish, plants, or wildlife, to insure their survival.

1 SEC. 8. NEW SECTION. Upon good cause shown and where neces-
 2 sary to reduce damage to property or to protect human health, endan-
 3 gered or threatened species found on the state list may be removed,
 4 captured, or destroyed, but only pursuant to a permit issued by the di-
 5 rector.

1 SEC. 9. NEW SECTION. This Act shall not prohibit:

2 1. The importation of a trophy under a permit issued pursuant to
 3 Public Law ninety-three hyphen two hundred five (93-205) which is not
 4 for resale and which was lawfully taken in a manner permitted by the
 5 laws of the state, territory, or country where the trophy was caught,
 6 taken, or killed.

7 2. The taking of a threatened species when the commission has de-
 8 termined that its abundance in the state justifies a controlled harvest
 9 not in violation of federal laws or regulations.

1 SEC. 10. NEW SECTION. **Penalties.** Whoever violates any of the
 2 provisions of this Act shall be fined not less than ten dollars nor more
 3 than one hundred dollars or be imprisoned in the county jail not more
 4 than thirty days.

Approved June 3, 1975

CHAPTER 110

GREEN THUMB PROGRAM

S. F. 573

AN ACT relating to programs for elderly, handicapped, and lower income persons and persons in need of health care and making appropriations.

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

1 SECTION 1. NEW SECTION. There is established a "green thumb" pro-
 2 gram to be administered by the state conservation commission. The
 3 purpose of the program is to encourage and promote meaningful em-
 4 ployment of senior citizens in horticultural related fields.

1 SEC. 2. NEW SECTION. There is created a "green thumb" fund to be
 2 administered by the state conservation commission which shall consist
 3 of those moneys appropriated by the general assembly, received from
 4 the federal government, or donated by a private individual or organi-
 5 zation for the purpose of implementing the "green thumb" program.
 6 The state conservation commission may allocate money from the
 7 "green thumb" fund to county conservation boards in amounts not ex-
 8 ceeding the amount expended by the county conservation board to im-
 9 plement its "green thumb" program.

1 SEC. 3. NEW SECTION. The state conservation commission in cooper-
 2 ation with the commission on aging and the governor's committee on
 3 employment of the handicapped shall prepare a state plan for imple-
 4 mentation of the "green thumb" program in facilities under the juris-
 5 diction of the state conservation commission and for "green thumb"
 6 programs sponsored by county conservation boards.

1 SEC. 4. NEW SECTION. The plan for a "green thumb" program shall
 2 include the following:

3 1. A person shall be sixty years of age or older to be eligible for em-
4 ployment.

5 2. A lower income person shall be preferred for employment. "Lower
6 income" means a person who meets the requirements for "lower income
7 families" described in section eight (8), subsection f of the United
8 States Housing Act of 1937, as amended by the Housing and Commu-
9 nity Development Act of 1974 (Public Law ninety-three dash three
10 hundred eighty-three (93-383)), section two hundred one (201), subsec-
11 tion a.

12 3. At the option of the employee, persons may cease being employed
13 when they have earned the maximum amount allowed before their re-
14 tirement benefits are reduced.

15 4. A person employed shall be paid the minimum wage as estab-
16 lished by federal law.

17 5. A person shall be employed for the purpose of doing a job in a
18 horticultural related field that is both meaningful and respectable.

19 6. Persons shall be carefully selected so as to insure that they are
20 physically capable of doing a particular job.

21 7. Persons shall be employed both on a part-time and full-time basis.

1 SEC. 5. The state conservation commission shall submit a report to
2 the First Session of the Sixty-seventh General Assembly not later than
3 thirty days after its convening. This report shall contain a critical eval-
4 uation of the effectiveness of the "green thumb" program and make
5 recommendations as to future funding of the program.

1 SEC. 6. There is established a one year experimental retired Iowan
2 employment program to be administered by the commission on aging.
3 The purpose of the program is to encourage and promote the meaning-
4 ful employment of retired citizens of the state. The Iowa employment
5 security commission shall cooperate with the commission on aging in
6 the administration of the retired Iowan employment program.

1 SEC. 7. There is created a retired Iowan employment fund to be ad-
2 ministered by the commission on aging. The fund shall consist of those
3 moneys appropriated by the general assembly, received from the feder-
4 al government, or donated by private individuals or organizations.

1 SEC. 8. The commission on aging shall encourage appropriate state
2 agencies, or political subdivisions or their agencies or area agencies on
3 aging to develop plans to implement the retired Iowan employment
4 program. A plan may be submitted to the commission on aging and, if
5 approved, the commission may provide money in an amount not ex-
6 ceeding the amount expended by the agency or government to imple-
7 ment its plan. This matching money shall be paid from available
8 money in the retired Iowan employment fund.

1 SEC. 9. A plan provided in section eight (8) of this Act shall not be
2 approved by the commission on aging unless the plan specifies the fol-
3 lowing:

4 1. A person shall be fifty-five years of age or older to be eligible for
5 employment.

6 2. A lower income person or a person who has been forced to retire
7 solely because of having reached a fixed age limit shall be preferred for
8 employment. "Lower income" means a person who meets the require-
9 ments for "lower income families" described in section eight (8), subsec-
10 tion f of the United States Housing Act of 1937 as amended by the
11 Housing and Community Development Act of 1974 (Public Law
12 ninety-three dash three hundred eighty-three (93-383)), section two
13 hundred one (201), subsection a.

14 3. At the option of the employee, a person may cease being em-
15 ployed when the person has earned the maximum amount allowed be-
16 fore retirement benefits are reduced.

17 4. A person employed shall be paid the minimum wage as estab-
18 lished by federal law.

19 5. A person shall be employed for the purpose of doing a job that is
20 both meaningful and respectable.

21 6. A person shall be carefully selected so as to insure physical capa-
22 bility of doing a particular job.

23 7. Persons shall be employed both on a part-time and full-time basis.

24 8. A person shall be a resident of the state of Iowa.

25 9. A person shall be certified for eligibility by the commission on ag-
26 ing.

1 SEC. 10. The commission on aging shall submit a report to the First
2 Session of the Sixty-seventh General Assembly not later than thirty
3 days after its convening. The report shall contain a critical evaluation
4 of the effectiveness of the retired Iowan employment program and
5 make recommendations as to future funding of the program.

1 SEC. 11. There is appropriated from the general fund of the state
2 to the commission on aging for the fiscal year beginning July 1, 1975
3 and ending June 30, 1976, the following amounts, or so much thereof
4 as is necessary, to be used for the purposes designated:

5 1. For nutrition programs for persons sixty years of age and older to
6 supplement federal funds received pursuant to Title forty-two (42),
7 chapter thirty-five (35), sections three thousand forty-five (3045)
8 through three thousand forty-five i (3045i) of the United States Code,
9 not more than three percent of which may be used by the commission
10 on aging for administering such programs.....\$700,000

1 SEC. 12. There is appropriated from the general fund of the state
2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
3 the state department of health the sum of one hundred fifty thousand
4 (150,000) dollars, or so much thereof as is necessary, to establish not
5 more than five well-elderly demonstration clinics for the purpose of de-
6 livering health supervision services. At least two clinics shall be located
7 in a rural area and shall offer services to a multi-county area. A well-
8 elderly clinic is a clinic for the development of a program of preventive
9 medicine to serve persons sixty years of age and older. The clinics may
10 be staffed with physicians, as defined in section one hundred thirty-
11 five C point one (135C.1) of the Code, or persons designated by physi-
12 cians and shall provide referral services to skilled care. The department
13 shall establish fees on a sliding scale for services provided through the
14 clinics.

1 SEC. 13. There is appropriated from the general fund of the state for
2 the fiscal year beginning July 1, 1975 and ending June 30, 1976, to the
3 state department of health the sum of thirty-four thousand (34,000)
4 dollars, or so much thereof as is necessary, to be used for the adminis-
5 tration of chapter one hundred thirty-five C (135C) of the Code.

1 SEC. 14. There is appropriated from the general fund of the state
2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976 to
3 the office for planning and programming the sum of eighty thousand
4 (80,000) dollars, or so much thereof as is necessary to carry out the pro-
5 visions of section fifteen (15) of this Act.

1 SEC. 15.

2 1. The office for planning and programming shall distribute the sum
3 appropriated under section fourteen (14) of this Act for the purpose of
4 assisting lower income elderly persons to winterize their homes. For
5 purposes of this section, "lower income" means persons who meet the
6 requirements for "lower income families" described in section eight (8),
7 subsection f of the United States Housing Act of 1937, as amended by
8 the Housing and Community Development Act of 1974 (Public Law
9 ninety-three dash three hundred eighty-three (93-383)), section two
10 hundred one (201), subsection a.

11 2. Such sum shall be allocated at the rate of no more than five thou-
12 sand (5,000) dollars for each of the office's sixteen planning regions and
13 shall be distributed to those political subdivisions or their agencies or
14 other local organizations within each region which best demonstrate an
15 ability to provide assistance in winterizing the homes of lower income
16 elderly persons in that region. "Best demonstrating an ability to pro-
17 vide assistance" means the ability to deliver adequate assistance to the
18 largest number of persons within each region.

19 3. Any moneys distributed under this section shall actually be used
20 for the purpose enumerated in subsection one (1) of this section. The
21 office for planning and programming shall account to the state comp-
22 troller for any actual expenditure of funds appropriated by section
23 fourteen (14) of this Act.

1 SEC. 16. There is appropriated from the general fund of the state
2 to the "green thumb" fund created in section two (2) of this Act, for
3 the fiscal years beginning July 1, 1974 and ending June 30, 1976, the
4 sum of two hundred fifty thousand (250,000) dollars, or so much there-
5 of as is necessary, to be used according to the provisions of sections one
6 (1) through five (5) of this Act.

1 SEC. 17. There is appropriated from the general fund of the state
2 to the retired Iowan employment fund created in section seven (7) of
3 this Act for the fiscal year beginning July 1, 1975 and ending June 30,
4 1976, the sum of one hundred thousand (100,000) dollars, or so much
5 thereof as is necessary, to be used according to the provisions of sec-
6 tions six (6) through ten (10) of this Act.

1 SEC. 18. There is appropriated from the general fund of the state
2 to the state department of transportation for the fiscal year beginning
3 July 1, 1975 and ending June 30, 1976, the following amounts, or so
4 much thereof as is necessary, to be used for the purposes designated:

5 1. RURAL DEMONSTRATION PROJECT.

6 For the operation, including the purchase of vehicles, of a multi-
7 county rural transportation system designed for use primarily by the
8 elderly and the handicapped, utilizing existing transportation facilities
9 located in the area to be served\$200,000

10 Any new vehicle purchased shall be accessible to nonambulatory per-
11 sons.

12 2. EXPANSION OF AN EXISTING RURAL SYSTEM.

13 For the expansion of existing rural transportation systems to provide
14 more mobility for elderly and handicapped persons.....\$100,000

15 3. COORDINATION OF TRANSPORTATION SERVICES PROJECT.

16 For a project to be conducted by the state department of transporta-
17 tion for the purpose of coordinating existing transportation services for
18 the elderly and handicapped in a designated region\$ 50,000

19 Funds appropriated by this subsection may be used to designate a re-
20 gion that could potentially benefit from a coordination of services to

21 prepare and implement the project plan including the costs of person-
 22 nel, initial operating expenses and expenses incurred because of the in-
 23 creased utilization of existing vehicles and to evaluate the project. The
 24 state department of transportation shall prepare a final report of the
 25 project for presentation to the 1976 Session of the Sixty-sixth General
 26 Assembly not later than May 1, 1976.

27 The state department of transportation shall consult with the com-
 28 mission on aging and the governor's committee on employment of the
 29 handicapped before expending funds appropriated by this section for
 30 the purposes designated.

1 SEC. 19. There is appropriated from the general fund of the state
 2 for the fiscal year beginning July 1, 1975 and ending June 30, 1976, to
 3 the state board of regents, the sum of one hundred thousand (100,000)
 4 dollars to be used for the operation of the mobile dental clinic at the
 5 university of Iowa for the elderly and persons in need of care.

1 SEC. 20. Upon this Act taking effect, sections one (1) through five
 2 (5) and sixteen (16) and twenty-one (21) shall be retroactive to July 1,
 3 1974.

1 SEC. 21. All federal grants to and the federal receipts of the agen-
 2 cies receiving funds under this Act are appropriated for the purposes
 3 set forth in the federal grants or receipts.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.12 of the Code

CHAPTER 111

TRAPPING LICENSES

S. F. 14

AN ACT relating to the issuance of trapping licenses to aliens or nonresidents and making provisions of this Act retroactive.

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

1 SECTION 1. Chapter one hundred ten (110), Code 1975, is amended
 2 by adding the following new section:

3 **NEW SECTION. Nonresident trapping license—reciprocity.** All
 4 fees collected prior to the effective date of this Act for nonresident or
 5 alien trapping licenses for the year 1975 shall be refunded and the li-
 6 censes shall be cancelled. Beginning on the effective date of this Act,
 7 nonresident or alien licenses may be issued only to residents of states
 8 which sell similar licenses to residents of 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 the Alla-
 3 makee Journal, a newspaper published in Lansing, Iowa, and in The
 4 Bellevue Herald-Leader, a newspaper published in Bellevue, Iowa.

Approved March 18, 1975

I hereby certify that the foregoing Act, Senate File 14, was published in the Allamakee Journal, Lansing, Iowa, March 26, 1975, and in The Bellevue Herald-Leader, Bellevue, Iowa, March 27, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 112

FISH AND GAME LICENSES

H. F. 48

AN ACT relating to lifetime and annual fishing and hunting licenses for resident senior citizens.

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

1 SECTION 1. Section one hundred ten point one (110.1), Code 1975, is
2 amended by adding the following new unnumbered paragraph:
3 NEW UNNUMBERED PARAGRAPH. Lifetime licenses for legal residents of
4 the state sixty-five years of age or older:
5 fishing 6.00
6 hunting 6.00
7 hunting and fishing combined licenses 8.00

1 SEC. 2. Section one hundred ten point one (110.1), lines 14 through
2 16, Code 1975, are amended to read as follows:
3 All persons legal residents of the state and sixty-five years of
4 age or older, except as otherwise provided ~~3.00~~ 1.25

1 SEC. 3. Section one hundred ten point one (110.1), lines 36 through
2 44, Code 1975, are amended to read as follows:
3 All persons legal residents of the state, and sixty-five years of
4 age or older, except as otherwise provided ~~3.00~~ 1.25
5 Hunting and fishing combined licenses:
6 All persons legal residents of the state, except as otherwise
7 provided 8.00
8 All persons legal residents of the state, and sixty-five years of
9 age or older, except as otherwise provided ~~5.00~~ 2.50

1 SEC. 4. Section one hundred ten point ten (110.10), Code 1975, is
2 amended to read as follows:
3 **110.10 Tenure of license.** Every license, *except lifetime hunt-*
4 *ing and fishing licenses*, shall expire on December 31 following its is-
5 *ssuance.*

Approved April 8, 1975

CHAPTER 113

MIGRATORY WATERFOWL STAMPS

S. F. 371

AN ACT relating to the issuance of migratory waterfowl stamps and providing a penalty.

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

1 SECTION 1. Section one hundred ten B point one (110B.1), Code
2 1975, is amended to read as follows:
3 **110B.1 Definitions.** As used in this chapter, unless the context
4 otherwise requires:
5 1. "Migratory waterfowl" means any wild goose, brant, or wild duck.
6 ~~2. "Department" means department of conservation.~~
7 ~~3. 2. "Commission" means state conservation commission.~~

8 4. 3. "Stamp" means the state migratory waterfowl stamp furnished
9 by the ~~department~~ *commission*.

1 SEC. 2. Section one hundred ten B point two (110B.2), Code 1975,
2 is amended to read as follows:

3 **110B.2 Stamp required.** No person shall hunt or take any migra-
4 tory waterfowl within this state without first procuring a state migrato-
5 ry waterfowl stamp and having such stamp in his possession while
6 hunting or taking any migratory waterfowl. Each stamp shall be vali-
7 dated by the signature of the licensee written across the face of such
8 stamp. The ~~department~~ *commission* shall determine the form of the
9 stamp and shall furnish the stamps to the county recorders and their
10 designated depositaries for issuance or sale in the same manner as
11 hunting licenses are issued or sold under chapter 110.

1 SEC. 3. Section one hundred ten B point three (110B.3), Code 1975,
2 is amended to read as follows:

3 **110B.3 Fee.** A stamp shall be issued to each hunting license ap-
4 plicant upon written request on forms furnished by the department and
5 the payment of a fee of *The fee for each stamp issued under this*
6 *chapter shall be one dollar. Each stamp shall expire on the last day of*
7 *February** following its issuance.

1 SEC. 4. Chapter one hundred ten B (110B), Code 1975, is amended
2 by adding the following new section:

3 NEW SECTION. **Penalty.** Any person violating any of the provi-
4 sions of this chapter shall be guilty of a misdemeanor and, upon con-
5 viction, shall be fined not less than ten dollars nor more than one
6 hundred dollars or imprisoned in the county jail for not more than
7 thirty days.

Approved May 15, 1975

*According to enrolled Act

CHAPTER 114

PLANT LIFE REMOVAL FROM PARKS

H. F. 488

AN ACT to allow the state conservation commission to gather or remove certain plant life from parks.

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

1 SECTION 1. Section one hundred eleven point forty-one (111.41),
2 Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. This section shall not apply to activities of the
4 state conservation commission or its officers, or employees when caring
5 for and managing state-owned land and waters under the jurisdiction
6 of the commission. This section shall not apply to the gathering or re-
7 moval of any tree, shrub, plant, flower, fruits, structures or natural at-
8 tractions under terms, conditions, limitations and restrictions adopted
9 by the conservation commission as rules under chapter seventeen A
10 (17A) of the Code.

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 Valley Times, a newspaper published in Vinton, Iowa, and in The
 4 Record-Herald and Indianola Tribune, a newspaper published in
 5 Indianola, Iowa.

Approved June 3, 1975

I hereby certify that the foregoing Act, House File 488, was published in The Cedar Valley Times, Vinton, Iowa, June 5, 1975, and in The Record-Herald and Indianola Tribune, Indianola, Iowa, June 9, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 115

LIABILITY TO PUBLIC IN CAVES

S. F. 422

AN ACT to include caves and caverns in the limitation of liability for allowing public use of private land.

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 one (1), Code 1975, is amended to read as follows:

3 1. "Land" means land used for agricultural purposes, including
 4 marshlands, timber, grasslands and the privately owned roads, water,
 5 water courses, *caves*, private ways and buildings, structures and ma-
 6 chinery or equipment appurtenant thereto.

Approved June 3, 1975

CHAPTER 116

ACCOUNTANCY

S. F. 364

AN ACT relating to the practice of accountancy.

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

1 SECTION 1. Section one hundred sixteen point three (116.3), subsec-
 2 tion three (3), unnumbered paragraph two (2), Code 1975, is amended
 3 to read as follows:

4 Warrants for the payment of the expenses of the board or its mem-
 5 bers provided by this chapter shall be issued by the state comptroller
 6 drawn upon funds appropriated to the board upon presentation of
 7 vouchers drawn by the ~~chairman~~ *secretary or treasurer* of the board
 8 ~~and authorized by the members of the board.~~

1 SEC. 2. Section one hundred sixteen point seven (116.7), subsection
 2 two (2), Code 1975, is amended to read as follows:

3 2. Meets the following ~~educational and~~ experience requirements and
 4 applies for a license by July 1, 1976.

1 SEC. 3. Section one hundred sixteen point nineteen (116.19), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Each office established or maintained in this state for the practice of
 5 public accounting in this state by a certified public accountant, or part-
 6 nership or corporation of certified public accountants, or by a public
 7 accountant or a partnership of public accountants, or by an accounting
 8 practitioner or partnership of accounting practitioners, or by a person
 9 registered under section 116.17, shall be registered ~~biennially~~ *annually*
 10 under this chapter with the board, but no fee shall be charged for such
 11 registration.

1 SEC. 4. Section one hundred sixteen point twenty (116.20), subsec-
 2 tion two (2), unnumbered paragraph one (1), Code 1975, is amended to
 3 read as follows:

4 In addition to the certificates and licenses, permits to engage in the
 5 practice of public accounting in this state shall be issued by the board
 6 to holders of the certificate of certified public accountant *and to hold-*
 7 *ers of a license to practice as an accounting practitioner* in force
 8 and effect as specified in subsection 1, upon payment of the fees, as
 9 follows:

1 SEC. 5. Section one hundred sixteen point twenty (116.20), subsec-
 2 tion two (2), paragraph b, Code 1975, is amended to read as follows:

3 b. Persons holding the certificate of certified public accountant un-
 4 der the provisions of section 116.5 who are high school graduates and
 5 who have had three years' continuous experience under the direct su-
 6 pervision of a certified public accountant holding a current permit to
 7 practice, which experience must include a significant amount of ac-
 8 counting work involving third-party reliance on the financial state-
 9 ments, shall be issued permits by the board. The experience required in
 10 section 116.5, subsection 4 *two (2) of the Code*, shall be counted as the
 11 experience required in this paragraph.

1 SEC. 6. Section one hundred sixteen point twenty (116.20), subsec-
 2 tion four (4), Code 1975, is amended to read as follows:

3 4. There shall be a ~~biennial~~ *an annual* permit fee in an amount to
 4 be determined, from time to time, by the board, payable by certified
 5 public accountants, public accountants, and accounting practitioners
 6 engaged in practice in this state. No fee shall be charged for the renew-
 7 al of a partnership or corporation permit to practice. All permits shall
 8 expire annually as determined by the board.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 117

BEER SIGNS IN BALLPARKS

H. F. 43

AN ACT permitting the advertisement of beer by brand name on the inside of fences sur-
 rounding ballparks.

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

1 SECTION 1. Section one hundred twenty-three point fifty-one
 2 (123.51), subsection three (3), Code 1975, is amended to read as follows:

3 3. No signs or other matter advertising any brand of beer shall be
 4 erected or placed upon the outside of any premises occupied by a licen-
 5 see or permittee authorized to sell beer at retail. *This subsection shall*
 6 *not prohibit the use of signs or other matter inside a fence or simi-*
 7 *lar enclosure which wholly or partially surrounds the licensed prem-*
 8 *ises.*

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 Mount Vernon Hawkeye and The Lisbon Herald, a newspaper
 5 published in Mount Vernon, Iowa.

Approved May 8, 1975

I hereby certify that the foregoing Act, House File 43, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, May 14, 1975, and in The Mount Vernon Hawkeye and The Lisbon Herald, Mount Vernon, Iowa, May 15, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 118

STATE HYGIENIC LABORATORY

H. F. 225

AN ACT relating to the functions of the laboratory at the state university of Iowa and to change its title to the state hygienic laboratory.

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

1 SECTION 1. Section one hundred thirty-five point eleven (135.11),
 2 subsection four (4), Code 1975, is amended to read as follows:

3 4. Make investigations and surveys in respect to the causes of disease
 4 and epidemics, and the effect of locality, employment, and living con-
 5 ditions upon the public health. For this purpose the department may
 6 use the services of the experts connected with the ~~bacteriological and~~
 7 ~~epidemiological~~ *state hygienic* laboratory at the state university of
 8 *Iowa.*

1 SEC. 2. Section two hundred sixty-three point seven (263.7), Code
 2 1975, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **263.7 State hygienic laboratory—investigations.** The state
 5 hygienic laboratory shall be a permanent part of the state university of
 6 Iowa. It shall make or cause to be made microbiological and chemical
 7 examinations and other necessary investigations by both laboratory
 8 and field work in the determination of the causes of disease, shall sug-
 9 gest methods of overcoming and preventing the recurrence of the dis-
 10 ease, and shall evaluate environmental effects and scientific needs,
 11 whenever requested to do so by any state agency, state institution, or
 12 local board of health when the investigation or evaluation is necessary
 13 in the interest of environmental quality and public health and for the
 14 purpose of preventing epidemics of disease.

1 SEC. 3. Section two hundred sixty-three point eight (263.8), Code
 2 1975, is amended to read as follows:

3 **263.8 Reports—tests—air pollution.** Such examination shall be
 4 ~~made without charge, except~~ *Charges may be assessed* for transporta-

5 tion of specimens and actual cost of examination, not to exceed two
6 dollars for each. A copy of the report Reports of each epidemiological
7 examination examinations and investigation investigations shall be
8 promptly sent to the state department of health responsible agency.

9 In addition to its regular work, the laboratory shall perform without
10 charge all bacteriological, serological, and epidemiological examinations
11 and investigations which may be required by the state department of
12 health and said department shall establish rules therefor. The laborato-
13 ry shall also provide, those laboratory, scientific field measurement,
14 and environmental quality services which, by contract, are requested
15 by the department of environmental quality other agencies of govern-
16 ment.

17 The laboratory is authorized to perform such other laboratory deter-
18 minations relating to air contaminants as may be requested by political
19 subdivisions or other persons any state institution, citizen, school,
20 municipality or local board of health, and the laboratory also is here-
21 by authorized to charge political subdivisions or other persons fees cov-
22 ering transportation of samples and the actual costs of examinations
23 performed upon their request.

1 SEC. 4. Section five hundred ninety-six point three (596.3),
2 Code 1975, is amended to read as follows:

3 **596.3 Laboratory tests.** All standard serological tests for syphilis
4 as required under this chapter shall be made by the state hygienic lab-
5 oratory of the state department of health university of Iowa or by
6 such other laboratories which are approved by the state department of
7 health. Such tests as may be made by the state hygienic laboratory of
8 the state department of health university of Iowa shall be free of
9 charge. The results of all laboratory tests shall be reported on standard
10 forms prescribed by the commissioner of public health. Said blanks
11 may be destroyed by the clerk of the district court two years after the
12 laboratory date thereon.

Approved March 14, 1975

CHAPTER 119

HEALTH CARE FACILITIES

S. F. 525

AN ACT relating to the licensing and regulation of health care facilities, and prescribing pen-
alties for violations.

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

1 SECTION 1. Section one hundred thirty-five C point one (135C.1),
2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, Senate File one hundred ninety-three (193), section one
4 (1), is amended to read as follows:

5 **135C.1 Definitions.**

6 1. "Adult foster family home" means any private dwelling or other
7 suitable place providing for a period exceeding twenty-four consecutive
8 hours accommodation, board, and supervision, for which a charge is
9 made, to not more than five individuals, not related to the owner or
10 occupant of the dwelling or place within the third degree of consan-

11 guinity, who by reason of age, illness, disease, or physical or mental
12 infirmity are unable to sufficiently or properly care for themselves, but
13 who are essentially capable of managing their own affairs.

14 2. "Boarding home" means any institution, place, building, or agen-
15 cy providing for a period exceeding twenty-four consecutive hours ac-
16 commodation, board, and supervision to three or more individuals, not
17 related to the administrator or owner thereof within the third degree of
18 consanguinity, who by reason of age, illness, disease, or physical or
19 mental infirmity are unable to sufficiently or properly care for them-
20 selves, but who are essentially capable of managing their own affairs.

21 3. "Custodial home" 1. "Residential care facility" means any in-
22 stitution, place, building, or agency providing for a period exceeding
23 twenty-four consecutive hours accommodation, board, and personal as-
24 sistance in feeding, dressing, and other essential daily living activities
25 to three or more individuals, not related to the administrator or owner
26 thereof within the third degree of consanguinity, who by reason of age,
27 illness, disease, or physical or mental infirmity are unable to sufficient-
28 ly or properly care for themselves or manage their own affairs, but who
29 do not require the daily services of a registered or licensed practical
30 nurse *except on an emergency basis*.

31 4. "Basic nursing home" means any institution, place, building, or
32 agency providing for a period exceeding twenty-four consecutive hours
33 accommodation, board, and personal care and treatment or simple
34 nursing care to three or more individuals, not related to the adminis-
35 trator or owner thereof within the third degree of consanguinity, who
36 by reason of age, illness, disease, or physical or mental infirmity re-
37 quire domiciliary care, simple nursing care, or occasional skilled nurs-
38 ing care, but who do not require hospital or skilled nursing home care.

39 5 2. "Intermediate nursing home care facility" means any institu-
40 tion, place, building, or agency providing for a period exceeding twenty-
41 four consecutive hours accommodation, board, and nursing care and
42 supporting services as directed, *the need for which is certified by a*
43 *physician*, to three or more individuals, not related to the administra-
44 tor or owner thereof within the third degree of consanguinity, who by
45 reason of age, illness, disease, or physical or mental infirmity require
46 continuous nursing care and related medical services, or occasional
47 skilled nursing care, but who do not require hospital care *nursing ser-*
48 *vices which can be provided only under the direction of a registered*
49 *nurse or a licensed practical nurse*.

50 6 3. "Skilled nursing home facility" means any institution, place,
51 building, or agency providing for a period exceeding twenty-four con-
52 secutive hours accommodation, board, and the health care nursing ser-
53 vices necessary for certification as a skilled nursing home under Title
54 XIX of the United States Social Security Act (Title XLII, United
55 States Code, sections 1396 through 1396g), as amended to January 1,
56 1970, *the need for which is certified by a physician*, to three or more
57 individuals not related to the administrator or owner thereof within
58 the third degree of consanguinity *who by reason of illness, disease, or*
59 *physical or mental infirmity require continuous nursing care ser-*
60 *vices and related medical services, but do not require hospital care.*
61 *The nursing care services provided must be under the direction of a*
62 *registered nurse on a twenty-four-hours-per-day basis*.

63 7. "Extended care facility" means any institution, place, building,
64 or agency providing for a period exceeding twenty-four consecutive
65 hours accommodation, board, and the health care services necessary for
66 certification as an extended care facility under Title XVIII of the
67 United States Social Security Act (Title XLII, United States Code, see-

68 tions 1305 through 130511), as amended to January 1, 1970, to three or
69 more individuals not related to the administrator or owner thereof
70 within the third degree of consanguinity.

71 8 4. "Health care facility" or "facility" means any adult foster fam-
72 ily home, boarding home, custodial home, basic nursing home *residen-*
73 *tial care facility*, intermediate nursing home care facility or, skilled
74 nursing home, or extended care facility.

75 9. "Patient" means an individual admitted to a basic nursing home,
76 intermediate nursing home, skilled nursing home, or extended care fa-
77 cility in the manner prescribed by section 135C.23 for care requiring, at
78 a minimum, the daily services of a registered or licensed practical
79 nurse.

80 5. "Licensee" means the holder of a license issued for the opera-
81 tion of a facility, pursuant to this chapter.

82 10 6. "Resident" means an individual admitted to a health care fa-
83 cility in the manner prescribed by section 135C.23, who does not re-
84 quire the daily services of a registered or licensed practical nurse. An
85 employee of, or an individual related within the third degree of con-
86 sanguinity to the administrator or owner of, a health care facility shall
87 not be deemed a resident thereof for the purposes of this chapter solely
88 by reason of being provided living quarters within such facility.

89 11 7. "Physician" means a person licensed to practice medicine and
90 surgery, osteopathy and surgery or osteopathy under the laws of this
91 state has the meaning assigned that term by section one hundred
92 thirty-five point one (135.1), subsection five (5) of the Code.

93 8. "House physician" means a physician who has entered into a
94 two-party contract with a health care facility to provide services in
95 that facility.

96 12 9. "Commissioner" means the commissioner of public health ap-
97 pointed pursuant to section 135.2, or his designee.

98 13 10. "Department" means the state department of health.

99 14 11. "Person" means any individual, firm, partnership, corpora-
100 tion, company, association or joint stock association; and includes
101 trustee, receiver, assignee or other similar representative thereof.

102 15 12. "Governmental unit" means the state, or any county, munici-
103 pality, or other political subdivision or any department, division,
104 board or other agency of any of the foregoing.

105 13. "Direction" means authoritative policy or procedural guid-
106 ance for the accomplishment of a function or activity.

107 14. "Supervision" means direct oversight and inspection of the
108 act of accomplishing a function or activity.

109 15. "Nursing care" means those services which can be provided
110 only under the direction of a registered nurse or a licensed practical
111 nurse.

112 16. "Social services" means services relating to the psychological
113 and social needs of the individual in adjusting to living in a health
114 care facility, and minimizing stress arising from that circumstance.

115 17. "Rehabilitative services" means services to encourage and as-
116 sist restoration of optimum mental and physical capabilities of the
117 individual resident of a health care facility.

1 SEC. 2. Section one hundred thirty-five C point two (135C.2), sub-
2 section two (2), Code 1975, is amended to read as follows:

3 2. Rules and standards prescribed, promulgated and enforced under
4 this chapter shall not be arbitrary, unreasonable or confiscatory and
5 the department or agency prescribing, promulgating or enforcing such
6 rules or standards shall have the burden of proof to establish that such

7 rules or standards meet such requirements and are consistent with the
8 economic problems and conditions involved in the care and housing of
9 persons in ~~nursing homes and custodial homes~~ *health care facilities*.

1 SEC. 3. Section one hundred thirty-five C point two (135C.2), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The department shall establish by administrative
4 rule, within the intermediate care facility category, a special classifica-
5 tion for facilities intended to serve mentally retarded individuals. The
6 department may also establish by administrative rule other classifica-
7 tions within that category, or special classifications within the residen-
8 tial care facility or skilled nursing facility categories, for facilities
9 intended to serve individuals who have special health care problems or
10 conditions in common. Rules establishing a special classification shall
11 define the problem or condition to which the classification is relevant
12 and establish requirements for an approved program of care commensurate
13 with such problem or condition, and may grant special variances
14 or considerations to facilities licensed within the classification so estab-
15 lished.

1 SEC. 4. Section one hundred thirty-five C point three (135C.3),
2 Code 1975, is amended to read as follows:

3 **135C.3 Nature of care.** Each facility licensed as ~~an extended~~
4 ~~care facility, a skilled nursing home, facility or an intermediate nurs-~~
5 ~~ing home, or a basic nursing home, care facility~~ shall provide an organ-
6 ized continuing twenty-four hour program of nursing ~~care services~~
7 commensurate with the needs of ~~the patients its residents~~ and under
8 the immediate direction of a licensed physician, licensed registered
9 nurse or licensed practical nurse licensed by the state of Iowa, whose
10 combined training and supervised experience is such as to assure ade-
11 quate and competent nursing direction. Medical and nursing ~~care ser-~~
12 ~~vices~~ shall be under the direction of either a "house physician" or
13 individually selected physicians, but surgery or obstetrical care shall
14 not be provided within the ~~home facility~~. All admissions to ~~extended~~
15 ~~care facilities, skilled nursing homes, facilities or intermediate nursing~~
16 ~~homes, and basic nursing homes care facilities~~ shall be based on an or-
17 der written by a physician certifying that the individual being admit-
18 ted requires no greater degree of nursing care than the facility to which
19 the admission is made is *licensed to provide and is capable of provid-*
20 *ing.*

1 SEC. 5. Section one hundred thirty-five C point four (135C.4), Code
2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
3 Session, Senate File one hundred ninety-three (193), section two (2), is
4 amended to read as follows:

5 **135C.4 Custodial homes Residential care facilities.** Each facil-
6 ity licensed as a ~~custodial home or boarding home residential care fa-~~
7 ~~ility~~ shall provide an organized continuous twenty-four hour program
8 of care commensurate with the needs of the residents of the home and
9 under the immediate direction of a person *approved and certified by*
10 *the department* whose combined training and supervised experience is
11 such as to ensure adequate and competent care. All admissions to ~~eus-~~
12 ~~todial homes or boarding homes, and all placements in adult foster~~
13 ~~family homes residential care facilities~~ shall be based on an order
14 written by a physician certifying that the individual being admitted ~~or~~
15 ~~placed~~ does not require nursing ~~care services~~.

1 SEC. 6. Section one hundred thirty-five C point five (135C.5), Code
2 1975, is amended to read as follows:

3 **135C.5 Health care facilities, etc.** No other business or activity
 4 shall be carried on in a health care facility, nor in the same physical
 5 structure with a health care facility except as hereinafter provided, un-
 6 less such business or activity *is under the control of and* is directly re-
 7 lated to ~~or necessary for and incidental to~~ the operation of the health
 8 care facility. No business or activity which is operated within the limi-
 9 tations of this section shall interfere in any manner with the use of the
 10 facility by the patients or residents, nor be disturbing to them. ~~Any~~
 11 ~~part of such business or activity open to customers other than patients~~
 12 ~~or residents of the health care facility shall be physically separated~~
 13 ~~from the facility, and an entrance shall be provided for such customers~~
 14 ~~so that they do not pass through the health care facility in entering or~~
 15 ~~leaving the area where such business or activity is conducted.~~

1 SEC. 7. Section one hundred thirty-five C point six (135C.6), sub-
 2 sections four (4) and five (5), Code 1975, are amended to read as fol-
 3 lows:

4 4. No department, agency, or officer of this state or of any of its po-
 5 litical subdivisions shall pay or approve for payment from public funds
 6 any amount or amounts to a health care facility under any program of
 7 state aid in connection with services provided or to be provided an ac-
 8 tual or prospective patient or resident in a health care facility, unless
 9 the facility has a current license issued by the department and meets
 10 such other requirements as may be in effect pursuant to law.

11 5. No health care facility established and operated in compliance
 12 with law prior to ~~July 1, 1970~~ *January 1, 1976*, shall be required to
 13 change its corporate or business name by reason of the definitions pre-
 14 scribed in section 135C.1, provided that no health care facility shall at
 15 any time represent or hold out to the public or to any individual that
 16 it is licensed as, or provides the services of, a health care facility of a
 17 type offering a higher grade of care than such health care facility is li-
 18 censed to provide. Any health care facility which, by virtue of this sec-
 19 tion, operates under a name not accurately descriptive of the type of
 20 license which it holds shall clearly indicate in any printed advertise-
 21 ment, letterhead, or similar material, the type of license *or licenses*
 22 which it has in fact been issued. No health care facility established or
 23 renamed after ~~July 1, 1971~~ *January 1, 1976*, shall use any name indi-
 24 cating that it holds a ~~higher~~ *different* type of license than it has been
 25 issued.

1 SEC. 8. Section one hundred thirty-five C point seven (135C.7),
 2 Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
 3 1975 Session, Senate File one hundred ninety-three (193), sections three
 4 (3) and four (4), is amended to read as follows:

5 **135C.7 Application—fees.** Licenses shall be obtained from the
 6 department. Applications shall be upon such forms and shall include
 7 such information as the department may reasonably require, which
 8 may include affirmative evidence of compliance with such other stat-
 9 utes and local ordinances as may be applicable. Each application for
 10 license shall be accompanied by the annual license fee prescribed by
 11 this section, subject to refund to the applicant if the license is denied,
 12 which fee shall be paid over into the state treasury and credited to the
 13 general fund if the license is issued. There shall be an annual license
 14 fee based upon the bed capacity of the health care facility, as follows:

15 1. ~~For extended care facilities, skilled nursing homes, intermediate~~
 16 ~~nursing homes, and basic nursing homes having a total of:~~

17 a 1. Ten beds or less, ~~ten~~ *twenty* dollars.

18 b 2. More than ten and not more than twenty-five beds, ~~twenty for-~~
 19 *ty* dollars.

- 20 e 3. More than twenty-five and not more than seventy-five beds,
 21 ~~thirty sixty~~ dollars.
- 22 d 4. More than seventy-five and not more than one hundred fifty
 23 beds, ~~forty eighty~~ dollars.
- 24 e 5. More than one hundred fifty beds, ~~fifty one hundred~~ dollars.
- 25 2. For boarding homes and custodial homes having a total of:
- 26 a. Ten beds or less, five dollars.
- 27 b. More than ten and not more than twenty-five beds, ten dollars.
- 28 c. More than twenty-five and not more than seventy-five beds, fif-
 29 teen dollars.
- 30 d. More than seventy-five and not more than one hundred fifty
 31 beds, twenty dollars.
- 32 e. More than one hundred fifty beds, twenty-five dollars.
- 33 3. For adult foster family homes, five dollars.

1 SEC. 9. Section one hundred thirty-five C point nine (135C.9),
 2 Code 1975, is amended to read as follows:

3 **135C.9 Inspection before issuance.**

4 1. The department shall not issue a health care facility license to
 5 any applicant until:

6 1 a. The department has ascertained that the staff and equipment of
 7 the facility is adequate to provide the care and services required of a
 8 health care facility of the category for which the license is sought.
 9 Prior to the review and approval of plans and specifications for any
 10 new facility and *the* initial licensing under a new licensee, a resumé of
 11 the programs and services to be furnished and of the means available
 12 to the applicant for providing the same and for meeting requirements
 13 for staffing, equipment, and operation of the health care facility, with
 14 particular reference to the professional requirements for services to be
 15 rendered, shall be submitted in writing to the department for review
 16 and approval. *The resumé shall be reviewed by the department with-*
 17 *in ten working days and returned to the applicant. The resumé*
 18 *shall, upon the department's request, be revised as appropriate by*
 19 *the facility from time to time after issuance of a license.*

20 2 b. The facility has been inspected by the state fire marshal or a
 21 deputy appointed by him for that purpose, who may be a member of a
 22 municipal fire department, and the department has received either a
 23 certificate of compliance or a ~~conditional~~ *provisional* certificate of
 24 compliance by the facility with the fire-hazard and fire-safety rules
 25 and standards of the department as promulgated by the fire marshal
 26 and, *where applicable, the fire safety standards required for partici-*
 27 *ipation in programs authorized by either Title XVIII or Title XIX of*
 28 *the United States Social Security Act (Title XLII, United States*
 29 *Code, sections one thousand three hundred ninety-five (1395)*
 30 *through one thousand three hundred ninety-five ll (1395ll) and*
 31 *one thousand three hundred ninety-six (1396) through one thousand*
 32 *three hundred ninety-six g (1396g)). The certificate or ~~conditional~~*
 33 *provisional* certificate shall be signed by the fire marshal or his deputy
 34 who made the inspection.

35 2. The rules and standards *promulgated by the fire marshal pursu-*
 36 *ant to subsection one (1), paragraph b of this section* shall be sub-
 37 stantially in keeping with the latest generally recognized safety criteria
 38 for the facilities covered, of which the applicable criteria recommended
 39 and published from time to time by the national fire protection asso-
 40 ciation shall be prima-facie evidence.

41 3. The state fire marshal or his deputy may issue a ~~conditional cer-~~
 42 ~~tificate successive provisional certificates~~ of compliance for a period

43 *periods of one year each to a facility which is in substantial compli-*
 44 *ance with the applicable fire-hazard and fire-safety rules and stand-*
 45 *ards, upon satisfactory evidence of an intent, in good faith, by the*
 46 *owner or operator of the facility to correct the deficiencies noted upon*
 47 *inspection within a reasonable period of time as determined by the*
 48 *state fire marshal or his deputy. Renewal of a conditional provisional*
 49 *certificate shall be based on a showing of substantial progress in elimi-*
 50 *nating deficiencies noted upon the last previous inspection of the facil-*
 51 *ity without the appearance of additional deficiencies other than those*
 52 *arising from changes in the fire-hazard and fire-safety rules, regula-*
 53 *tions and standards which have occurred since the last previous inspec-*
 54 *tion, except that substantial progress toward achievement of a good-*
 55 *faith intent by the owner or operator to replace the entire facility with-*
 56 *in a reasonable period of time, as determined by the state fire marshal*
 57 *or his deputy, may be accepted as a showing of substantial progress in*
 58 *eliminating deficiencies, for the purposes of this section.*

1 SEC. 10. Section one hundred thirty-five C point ten (135C.10),
 2 Code 1975, is amended to read as follows:

3 **135C.10 Denial, suspension or revocation.** The department
 4 shall have the authority to deny, suspend, or revoke a license in any
 5 case where the department finds that there has been a *repeated failure*
 6 *on the part of the facility* to comply with the provisions of this chap-
 7 ter or the rules or minimum standards promulgated hereunder, or for
 8 any of the following reasons:

9 1. Cruelty or indifference to ~~the welfare of~~ health care facility resi-
 10 ~~dent or patient~~.

11 2. Appropriation or conversion of the property of a health care facili-
 12 ~~ty resident or patient~~ without his written consent or the written con-
 13 sent of his legal guardian.

14 3. ~~Evidence that the moral character of the applicant, manager or~~
 15 ~~supervisor of the health care facility is not reputable.~~

16 4. 3. Permitting, aiding, or abetting the commission of any illegal
 17 act in the health care facility.

18 5. 4. Inability or failure to operate and conduct the health care facili-
 19 ty in accordance with the requirements of this chapter and the mini-
 20 mum standards and rules issued pursuant thereto.

21 6. 5. Obtaining or attempting to obtain or retain a license by fraudu-
 22 lent means, misrepresentation, or by submitting false information.

23 7. 6. Habitual intoxication or addiction to the use of drugs by the ap-
 24 plicant, manager or supervisor of the health care facility.

25 8. 7. Securing the devise or bequest of the property of a ~~patient in~~
 26 ~~resident of~~ a health care facility by undue influence.

27 8. *Willful failure or neglect to maintain a continuing in-service*
 28 *education and training program for all personnel employed in the*
 29 *facility.*

30 9. *In the case of an application by an existing licensee for a new*
 31 *or newly-acquired facility, continuing or repeated failure of the li-*
 32 *censee to operate any previously licensed facility or facilities in*
 33 *compliance with the provisions of this Act or of the rules adopted*
 34 *pursuant to it.*

1 SEC. 11. Section one hundred thirty-five C point eleven (135C.11),
 2 Code 1975, is amended to read as follows:

3 **135C.11 Notice—hearings.** ~~Such denial~~

4 1. *The denial, suspension, or revocation of a license shall be effect-*
 5 *ed by mailing delivering to the applicant or licensee by certified mail*
 6 *or by personal service of a notice setting forth the particular reasons*

7 for such action. Such denial, suspension, or revocation shall become ef-
 8 fective thirty days after the mailing or service of the notice, unless the
 9 applicant or licensee, within such thirty-day period, shall give written
 10 notice to the department requesting a hearing, in which case the notice
 11 shall be deemed to be suspended. If a hearing has been requested, the
 12 applicant or licensee shall be given an opportunity for a prompt and
 13 fair hearing before the department. At any time at or prior to the hear-
 14 ing the department may rescind the notice of the denial, suspension or
 15 revocation upon being satisfied that the reasons for the denial, suspen-
 16 sion or revocation have been or will be removed. On the basis of any
 17 such hearing, or upon default of the applicant or licensee, the determi-
 18 nation involved in the notice may be affirmed, modified, or set aside
 19 by the department. A copy of such decision shall be sent by certified
 20 mail, or served personally upon the applicant or licensee. The appli-
 21 cant or licensee may seek judicial review pursuant to section 135C.13.

22 2. The procedure governing hearings authorized by this section shall
 23 be in accordance with the rules promulgated by the department. A full
 24 and complete record shall be kept of all proceedings, and all testimony
 25 shall be reported but need not be transcribed unless judicial review is
 26 sought pursuant to section 135C.13. A copy or copies of the transcript
 27 may be obtained by an interested party upon payment of the cost of
 28 preparing such copy or copies. Witnesses may be subpoenaed by either
 29 party and shall be allowed fees at a rate prescribed by the aforesaid
 30 rules. The commissioner may, with the advice and consent of the care
 31 review committee established pursuant to section 135C.25, remove all
 32 residents ~~and patients~~ and suspend the license or licenses of any health
 33 care facility, prior to a hearing, when he finds that the health or safety
 34 of residents ~~or patients~~ of the health care facility requires such action
 35 on an emergency basis. *The fact that no care review committee has*
 36 *been appointed for a particular facility shall not bar the commis-*
 37 *sioner from exercising the emergency powers granted by this subsec-*
 38 *tion with respect to that facility.*

1 SEC. 12. Section one hundred thirty-five C point thirteen (135C.13),
 2 Code 1975, is amended to read as follows:

3 **135C.13 Judicial review.** Judicial review of *any* action of the
 4 commissioner may be sought in accordance with the terms of the Iowa
 5 administrative procedure Act. Notwithstanding the terms of said Act,
 6 petitions for judicial review may be filed in the district court of the
 7 county where the facility or proposed facility is located, and pending
 8 final disposition of the matter the status quo of the applicant or licen-
 9 see shall be preserved except when the commissioner, with the advice
 10 and consent of the care review committee established pursuant to sec-
 11 tion 135C.25, determines that the health, safety or welfare of the resi-
 12 dents ~~or patients~~ of the facility are in immediate danger, in which case
 13 he may order the immediate removal of such residents ~~or patients~~.
 14 *The fact that no care review committee has been appointed for a*
 15 *particular facility shall not bar the commissioner from exercising*
 16 *the emergency powers granted by this subsection with respect to*
 17 *that facility.*

1 SEC. 13. Section one hundred thirty-five C point fourteen
 2 (135C.14), Code 1975, is amended to read as follows:

3 **135C.14 Rules.** The department ~~may~~ shall, *in accordance with*
 4 *chapter seventeen A (17A) of the Code, adopt by reference nationally*
 5 ~~recognized standards and rules or otherwise amend, promulgate and~~
 6 *enforce rules setting minimum standards for health care facilities. In so*
 7 *doing, the department may adopt by reference, with or without*

8 *amendment, nationally recognized standards and rules, which shall*
 9 *be specified by title and edition, date of publication, or similar in-*
 10 *formation. Such* The rules and standards required by this section
 11 shall be formulated in consultation with the commissioner of social ser-
 12 vices or his or her designee and with industry, professional and con-
 13 sumer groups affected thereby, and shall be designed to further the
 14 accomplishment of the purposes of this chapter and shall relate to:

15 1. Location and construction of the facility, including plumbing,
 16 heating, lighting, ventilation, and other housing conditions, which
 17 shall ensure the health, safety and comfort of residents and protection
 18 from fire hazards. Such rules and standards regarding location and
 19 construction of the home may impose requirements in excess of those
 20 provided in chapter 413 but shall not impose requirements less than
 21 those provided by such chapter. The rules of the department relating
 22 to protection from fire hazards and fire safety shall be promulgated by
 23 the state fire marshal, and shall be in keeping with the latest generally
 24 recognized safety criteria for the facilities covered of which the applica-
 25 ble criteria recommended and published from time to time by the na-
 26 tional fire protection association shall be prima facie evidence.

27 2. Number and qualifications of all personnel, including manage-
 28 ment and nursing personnel, having responsibility for any part of the
 29 care provided to residents ~~or patients~~.

30 3. All sanitary conditions within the facility and its surroundings in-
 31 cluding water supply, sewage disposal, food handling, and general hy-
 32 giene, which shall ensure the health and comfort of residents ~~or~~
 33 ~~patients~~.

34 4. Diet related to the needs of each resident ~~or patient~~ and based on
 35 good nutritional practice and on recommendations which may be made
 36 by the physician attending the resident ~~or patient~~.

37 5. Equipment essential to the health and welfare of the resident ~~or~~
 38 ~~patient~~.

39 6. *Requirements that a minimum number of registered or li-*
 40 *censed practical nurses and nurses' aides, relative to the number of*
 41 *residents admitted, be employed by each licensed facility. Staff-to-*
 42 *resident ratios established under this subsection need not be the*
 43 *same for facilities holding different types of licenses, nor for facili-*
 44 *ties holding the same type of license if there are significant differ-*
 45 *ences in the needs of residents which the respective facilities are*
 46 *servng or intend to serve.*

47 7. *Social services and rehabilitative services provided for the resi-*
 48 *dents.*

1 SEC. 14. Section one hundred thirty-five C point fifteen (135C.15),
 2 Code 1975, is amended to read as follows:

3 **135C.15 Time to comply.**

4 1. Any health care facility which is in operation at the time of
 5 adoption or promulgation of any applicable rules or minimum stan-
 6 dards under this chapter shall be given reasonable time from the date of
 7 such promulgation to comply with such rules and minimum standards
 8 as provided for by the department. *The commissioner may grant suc-*
 9 *cessive thirty-day extensions of the time for compliance where evi-*
 10 *dence of a good faith attempt to achieve compliance is furnished, if*
 11 *the extensions will not place in undue jeopardy the residents of the*
 12 *facility to which the extensions are granted.*

13 2. Renovation of an existing health care facility, not already in
 14 compliance with all applicable standards, shall be permitted only if the
 15 fixtures and equipment to be installed and the services to be provided
 16 in the renovated portion of the facility will conform substantially to

17 current operational standards. Construction of an addition to an exist-
 18 ing health care facility shall be permitted only if the design of the
 19 structure, the fixtures and equipment to be installed, and the services
 20 to be provided in the addition will conform substantially to current
 21 construction and operational standards.

1 SEC. 15. Section one hundred thirty-five C point sixteen (135C.16),
 2 Code 1975, is amended to read as follows:

3 **135C.16 Inspections.** The

4 1. *In addition to the inspections required by section one hundred*
 5 *thirty-five C point nine (135C.9) of the Code and by section twenty-*
 6 *five (25) of this Act, the department shall make or cause to be made*
 7 *such further unannounced inspections as it may deem necessary to*
 8 *adequately enforce this chapter, and shall including at least one*
 9 *general inspection in each calendar year of every licensed health*
 10 *care facility in the state made without providing advance notice of*
 11 *any kind to the facility being inspected. The inspector shall identify*
 12 *himself or herself to the person in charge of the facility and state*
 13 *that an inspection is to be made before beginning the inspection.*
 14 *Any employee of the department who gives unauthorized advance*
 15 *notice of an inspection made or planned to be made under this sub-*
 16 *section or section twenty-five (25) of this Act shall be disciplined as*
 17 *determined by the commissioner, except that if the employee is em-*
 18 *ployed pursuant to chapter nineteen A (19A) of the Code the disci-*
 19 *pline shall not exceed that authorized pursuant to that chapter.*

20 2. *The department shall prescribe by rule that any licensee or ap-*
 21 *plicant for license desiring to make specific types of physical or func-*
 22 *tional alterations or additions to its facility or to construct new*
 23 *facilities shall, before commencing such alteration or additions or new*
 24 *construction, submit plans and specifications therefor to the depart-*
 25 *ment for preliminary inspection and approval or recommendations*
 26 *with respect to the compliance with the rules and standards herein au-*
 27 *thorized.*

28 *When plans and specifications submitted as required by this sub-*
 29 *section have been properly approved by the department or other ap-*
 30 *propriate state agency, the facility or the portion of the facility*
 31 *constructed or altered in accord with the plans so approved shall*
 32 *not for a period of at least five years from completion of the con-*
 33 *struction or alteration be considered deficient or ineligible for li-*
 34 *censing by reason of failure to meet any rule or standard*
 35 *established subsequent to approval of the plans and specifications,*
 36 *unless a clear and present danger exists that would adversely affect*
 37 *the residents of the facility.*

38 3. An inspector of the department, ~~department of social services,~~
 39 ~~county board of social welfare or fire marshal,~~ may enter any licensed
 40 health care facility without a warrant, and may examine all records
 41 pertaining to the care provided residents of the facility. An inspec-
 42 tor of the department of social services shall have the same right
 43 with respect to any facility where one or more residents are cared
 44 for entirely or partially at public expense and the state fire marshal
 45 or a deputy appointed pursuant to section one hundred thirty-five C
 46 point nine (135C.9), subsection one (1), paragraph b shall have the
 47 same right of entry into any facility and the right to inspect any
 48 records pertinent to fire safety practices and conditions within that
 49 facility. If any such inspector has probable cause to believe that any
 50 institution, place, building, or agency not licensed as a health care fa-
 51 cility is in fact a health care facility as defined by this chapter, and
 52 upon properly identifying himself he is denied entry thereto for the

53 purpose of making an inspection, he may, with the assistance of the
 54 county attorney of the county in which the purported health care facil-
 55 ity is located, apply to the district court for an order requiring the
 56 owner or occupant to permit entry and inspection of the premises to
 57 determine whether there have been any violations of this chapter.

1 SEC. 16. Section one hundred thirty-five C point seventeen (135C.17),
 2 Code 1975, is amended to read as follows:

3 **135C.17 Duties of other departments.** It shall be the duty of
 4 the department of social services, state fire marshal, and the officers
 5 and agents of other *state and local* governmental units to assist the
 6 department in carrying out the provisions of this chapter, insofar as
 7 the functions of these respective offices and departments are concerned
 8 with the health, welfare, and safety of any resident ~~or patient~~ of any
 9 health care facility.

1 SEC. 17. Section one hundred thirty-five C point nineteen (135C.19),
 2 Code 1975, is amended to read as follows:

3 **135C.19 Public disclosure of inspection findings—posting of**
 4 **citations.**

5 1. Following *any* inspection of a health care facility by the depart-
 6 ment, the findings of the inspection with respect to compliance by the
 7 facility with requirements for licensing under this chapter shall be
 8 made public in a readily available form and place forty-five days after
 9 the findings are made available to the applicant or licensee. However,
 10 if the applicant or licensee requests a hearing pursuant to section
 11 135C.11, the findings of the inspection shall not be made public until
 12 the hearing has been completed. *When the findings are made public,*
 13 *they shall include no reference to any cited violation which has*
 14 *been corrected to the department's satisfaction unless the same ref-*
 15 *erence also clearly notes that the violation has been corrected.* Other
 16 information relating to any health care facility, obtained by the de-
 17 partment through reports, investigations, complaints, or as otherwise
 18 authorized by this chapter, which is not a part of the department's
 19 findings from an inspection of the facility, shall not be disclosed pub-
 20 licly except in proceedings involving *the citation of a facility for a vi-*
 21 *olation, in the manner provided by section twenty-seven (27) of this*
 22 *Act, or the denial, suspension or revocation of a license under this*
 23 *chapter.*

24 2. *Each citation for a class I or class II violation which is issued*
 25 *to a health care facility and which has become final, or a copy or*
 26 *copies thereof, shall be prominently posted as prescribed in rules to*
 27 *be adopted by the department, until the violation is corrected to the*
 28 *department's satisfaction. The citation or copy shall be posted in a*
 29 *place or places in plain view of the residents of the facility cited,*
 30 *persons visiting the residents, and persons inquiring about place-*
 31 *ment in the facility.*

32 3. *A copy of each citation required to be posted by this subsection*
 33 *shall be sent by the department to the department of social services.*

34 *If the facility cited subsequently advises the department of social*
 35 *services that the violation has been corrected to the satisfaction of*
 36 *the department of health, the department of social services must*
 37 *maintain this advisory in the same file with the copy of the cita-*
 38 *tion. The department of social services shall not disseminate to the*
 39 *public any information regarding citations issued by the depart-*
 40 *ment of health, but shall forward or refer such inquiries to the de-*
 41 *partment of health.*

1 SEC. 18. Section one hundred thirty-five C point twenty-one
2 (135C.21), Code 1975, is amended to read as follows:

3 **135C.21 Penalty Penalties.**

4 1. Any person establishing, conducting, managing, or operating any
5 health care facility without a license shall be guilty of a misdemeanor
6 and, upon conviction thereof, shall be fined not less than one hundred
7 dollars nor more than one thousand dollars or be imprisoned in the
8 county jail for not more than six months, or both. Each day of con-
9 tinuing violation after conviction or notice from the department by
10 certified mail of a violation shall be considered a separate offense *or*
11 *chargeable offense*. Any such person establishing, conducting, manag-
12 ing or operating any health care facility without a license may be by
13 any court of competent jurisdiction temporarily or permanently re-
14 strained therefrom in any action brought by the state.

15 2. *Any person who prevents or interferes with or attempts to*
16 *impede in any way any duly authorized representative of the de-*
17 *partment or of any of the agencies referred to in section one*
18 *hundred thirty-five C point seventeen (135C.17) of the Code in the*
19 *lawful enforcement of this chapter or of the rules adopted pursuant*
20 *to it is guilty of a misdemeanor and, upon conviction, shall be sub-*
21 *ject to a fine of not less than fifty nor more than five hundred dol-*
22 *lars or imprisonment in the county jail for not more than ninety*
23 *days or both. As used in this subsection, lawful enforcement in-*
24 *cludes but is not limited to:*

25 a. *Contacting or interviewing any resident of a health care facili-*
26 *ty in private at any reasonable hour and without advance notice.*

27 b. *Examining any relevant books or records of a health care facil-*
28 *ity.*

29 c. *Preserving evidence of any violation of this chapter or of the*
30 *rules adopted pursuant to it.*

1 SEC. 19. Section one hundred thirty-five C point twenty-three
2 (135C.23), Code 1975, is amended to read as follows:

3 **135C.23 Express requirements for admission or resi-**
4 **dence.** No individual shall be admitted to or permitted to remain in
5 a health care facility as a ~~patient or~~ resident, except in accordance
6 with the requirements of this section.

7 1. Each ~~patient or~~ resident shall be covered by a contract executed
8 at the time of admission or prior thereto by the ~~patient or~~ resident, or
9 his legal representative, and the health care facility, *except as other-*
10 *wise provided by subsection five (5) of this section with respect to*
11 *residents admitted at public expense to a county care facility oper-*
12 *ated under chapter two hundred fifty-three (253) of the Code.* Each
13 party to the contract shall be entitled to a duplicate original thereof,
14 and the health care facility shall keep on file all contracts which it has
15 with ~~patients or~~ residents and shall not destroy or otherwise dispose of
16 any such contract for at least one year after its expiration ~~or such long-~~
17 ~~er period as the department may by rule require.~~ Each such contract
18 shall expressly set forth:

19 a. The terms of the contract.

20 b. The services and accommodations to be provided by the health
21 care facility and the rates or charges therefor.

22 c. Specific descriptions of any duties and obligations of the parties
23 in addition to those required by operation of law.

24 d. Any other matters deemed appropriate by the parties to the con-
25 tract. No contract or any provision thereof shall be drawn or construed
26 so as to relieve any health care facility of any requirement or obliga-

27 tion imposed upon it by this chapter or any standards or rules in force
 28 pursuant to this chapter, *nor contain any disclaimer of responsibility*
 29 *for injury to the resident, or to relatives or other persons visiting the*
 30 *resident, which occurs on the premises of the facility or, with re-*
 31 *spect to injury to the resident, which occurs while the resident is*
 32 *under the supervision of any employee of the facility whether on or*
 33 *off the premises of the facility.*

34 2. No health care facility shall knowingly admit or retain any pa-
 35 ~~tient or~~ resident:

36 a. Who is dangerous to himself or other ~~patients or~~ residents.

37 b. Who is in an active or acute stage of alcoholism, drug addiction,
 38 mental illness, or communicable disease.

39 c. Whose condition or conduct is such that he would be unduly dis-
 40 turbing to other ~~patients or~~ residents.

41 d. Who is in need of medical procedures, as determined by a physi-
 42 cian, or services, ~~as determined by the care review committee,~~ which
 43 cannot be *or are not being* carried out in the facility.

44 3. Except in emergencies, a ~~patient or~~ resident who is not essentially
 45 capable of managing his own affairs shall *not* be transferred out of a
 46 health care facility or discharged for any reason ~~only after~~ *without*
 47 prior notification to the next of kin, legal representative, or agency
 48 acting on the ~~patient's or~~ resident's behalf. When such next of kin, le-
 49 gal representative, or agency cannot be reached or refuses to co-oper-
 50 ate, proper arrangements shall be made by the ~~home~~ *facility* for the
 51 welfare of the ~~patient or~~ resident before his transfer or discharge.

52 4. No owner, administrator, employee, or representative of a health
 53 care facility shall pay any commission, bonus, or gratuity in any form
 54 whatsoever, directly or indirectly, to any person for ~~patients or~~ resi-
 55 dents referred to such facility, *nor accept any commission, bonus, or*
 56 *gratuity in any form whatsoever, directly or indirectly, for profes-*
 57 *sional or other services or supplies purchased by the facility or by*
 58 *any resident, or by any third party on behalf of any resident, of the*
 59 *facility.*

60 5. *Each county which maintains a county care facility under*
 61 *chapter two hundred fifty-three (253) of the Code shall develop a*
 62 *statement in lieu of, and setting forth substantially the same items*
 63 *as, the contracts required of other health care facilities by subsec-*
 64 *tion one (1) of this section. The statement must be approved by the*
 65 *county board of supervisors and by the department. When so ap-*
 66 *proved, the statement shall be considered in force with respect to*
 67 *each resident of the county care facility.*

1 SEC. 20. Section one hundred thirty-five C point twenty-four
 2 (135C.24), Code 1975, is amended to read as follows:

3 **135C.24 Personal property or affairs of patients or resi-**
 4 **dents.** The admission of a ~~patient or~~ resident to a health care facility
 5 and his presence therein shall not in and of itself confer on such facili-
 6 ty, its owner, administrator, employees, or representatives any authori-
 7 ty to manage, use, or dispose of any property of the ~~patient or~~
 8 resident, nor any authority or responsibility for the personal affairs of
 9 the ~~patient or~~ resident, except as may be necessary for the safety and
 10 orderly management of the facility and as required by this section.

11 1. No health care facility, and no owner, administrator, employee or
 12 representative thereof shall act as guardian, trustee or conservator for
 13 any ~~patient or~~ resident of such facility, or any of such ~~patient's or~~ resi-
 14 dent's property, unless such ~~patient or~~ resident is related to the person
 15 acting as guardian within the third degree of consanguinity.

16 2. A health care facility shall provide for the safekeeping of personal
 17 effects, funds and other property of its ~~patients or~~ residents, provided
 18 that whenever necessary for the protection of valuables or in order to
 19 avoid unreasonable responsibility therefor, the facility may require
 20 that they be excluded or removed from the premises of the facility and
 21 kept at some place not subject to the control of the facility.

22 3. A health care facility shall keep complete and accurate records of
 23 all funds and other effects and property of its ~~patients or~~ residents re-
 24 ceived by it for safekeeping.

25 4. Any funds or other property belonging to or due a ~~patient or~~ resi-
 26 dent, or expendable for his account, which are received by a health
 27 care facility shall be trust funds, shall be kept separate from the funds
 28 and property of the facility and of its other ~~patients or~~ residents, or
 29 specifically credited to such ~~patient or~~ resident, and shall be used or
 30 otherwise expended only for the account of the ~~patient or~~ resident.
 31 Upon request the facility shall furnish the ~~patient or~~ resident, the
 32 guardian, trustee or conservator, if any, for any ~~patient or~~ resident, or
 33 any governmental unit or private charitable agency contributing funds
 34 or other property on account of any ~~patient or~~ resident, a complete
 35 and certified statement of all funds or other property to which this sub-
 36 section applies detailing the amounts and items received, together with
 37 their sources and disposition.

38 5. *The provisions of this section notwithstanding, upon the veri-*
 39 *fied petition of the county board of supervisors the district court*
 40 *may appoint the administrator of a county care facility as conser-*
 41 *vator or guardian, or both, of a resident of such county care facility,*
 42 *in accordance with the provisions of Chapter 633 of the Code. Such*
 43 *administrator shall serve as conservator or guardian, or both, with-*
 44 *out fee. The county attorney shall serve as attorney for the adminis-*
 45 *trator in such conservatorship or guardianship, or both, without fee.*
 46 *The administrator may establish either separate or common bank*
 47 *accounts for cash funds of such resident wards.*

1 SEC. 21. Section one hundred thirty-five C point twenty-five
 2 (135C.25), Code 1975, is amended to read as follows:

3 **135C.25 Care review committee—appointment—duties.**

4 1. Each health care facility shall have a care review committee
 5 whose members shall be appointed by as follows:

6 a. *By the areawide health planning council recognized as such by*
 7 *this state acting through the office for comprehensive health planning*
 8 *in the office for planning and programming; or*

9 b. *If the appropriate areawide health planning council has failed*
 10 *to make any appointment necessary under this subsection within*
 11 *thirty days after being notified of a vacancy by the administrator of*
 12 *the facility involved, by the commissioner; or*

13 c. *If the commissioner has failed to act within thirty days after*
 14 *being notified by the administrator of the facility involved of a va-*
 15 *cancy which has not been filled by the appropriate areawide health*
 16 *planning council within the time prescribed by this subsection, the*
 17 *appointment may be made by the administrator.*

18 2. The care review committee shall periodically review the needs of
 19 each individual ~~patient or~~ resident of the facility, and shall perform
 20 the functions delegated to it by section twenty-five (25) of this Act.
 21 The responsibilities of the care review committee shall be in accordance
 22 with rules of the department, which shall in formulating such rules
 23 give consideration to the needs of ~~patients and~~ residents of each license
 24 category of health care facility and the services facilities of each cate-
 25 gory are authorized to render.

1 SEC. 22. Chapter one hundred thirty-five C (135C), Code 1975, is
2 amended by adding sections twenty-three (23) through thirty-five (35)
3 of this Act.

1 SEC. 23. NEW SECTION. **Violations classified.** Every violation
2 by a health care facility of any provision of this chapter or of the rules
3 adopted pursuant to it shall be classified by the department in accord-
4 ance with this section. The department shall adopt and may from
5 time to time modify, in accordance with chapter seventeen A (17A) of
6 the Code, rules setting forth so far as feasible the specific violations in-
7 cluded in each classification and stating criteria for the classification of
8 any violation not so listed.

9 1. A class I violation is one which presents an imminent danger or a
10 substantial probability of resultant death or physical harm to the resi-
11 dents of the facility in which the violation occurs. A physical condition
12 or one or more practices in a facility may constitute a class I violation.
13 A class I violation shall be abated or eliminated immediately unless
14 the department determines that a stated period of time, specified in
15 the citation issued under section twenty-seven (27) of this Act, is re-
16 quired to correct the violation. A licensee shall be subject to a penalty
17 of not less than five hundred nor more than five thousand dollars for
18 each class I violation for which the licensee's facility is cited.

19 2. A class II violation is one which has a direct or immediate rela-
20 tionship to the health, safety or security of residents of a health care
21 facility, but which presents no imminent danger nor substantial proba-
22 bility of death or physical harm to them. A physical condition or one
23 or more practices within a facility, including either physical abuse of
24 any resident or failure to treat any resident with consideration, respect
25 and full recognition of the resident's dignity and individuality, in vio-
26 lation of a specific rule adopted by the department, may constitute a
27 class II violation. A class II violation shall be corrected within a stated
28 period of time determined by the department and specified in the cita-
29 tion issued under section twenty-seven (27) of this Act. The stated peri-
30 od of time specified in the citation may subsequently be modified by
31 the department for good cause shown. A licensee shall be subject to a
32 penalty of not less than one hundred nor more than five hundred dol-
33 lars for each class II violation for which the licensee's facility is cited,
34 however the commissioner may waive the penalty if the violation is
35 corrected within the time specified in the citation.

36 3. A class III violation is any violation of this chapter or of the rules
37 adopted pursuant to it which violation is not classified in the depart-
38 ment's rules nor classifiable under the criteria stated in those rules as a
39 class I or a class II violation. A licensee shall not be subject to a pen-
40 alty for a class III violation, except as provided by section twenty-seven
41 (27), subsection one (1) of this Act for failure to correct the violation
42 within a reasonable time specified by the department in the notice of
43 the violation.

1 SEC. 24. NEW SECTION. **Complaints alleging violations.** Any
2 person may request an inspection of any health care facility by filing
3 with the department or care review committee of the facility a com-
4 plaint of an alleged violation of applicable requirements of this chap-
5 ter or the rules adopted pursuant to it. The complaint shall state in a
6 reasonably specific manner the basis of the complaint, and a copy
7 thereof shall be forwarded to the facility involved within twenty-four
8 hours of receipt of the complaint by the department or the committee.

1 **SEC. 25. NEW SECTION. Inspections upon complaints.**

2 1. Upon receipt of a complaint made in accordance with section
3 twenty-four (24) of this Act, the department or care review committee
4 shall make a preliminary review of the complaint. Unless the depart-
5 ment or committee concludes that the complaint is intended to harass
6 a facility or a licensee or is without reasonable basis, it shall within
7 twenty working days of receipt of the complaint make or cause to be
8 made an on-site inspection of the health care facility which is the sub-
9 ject of the complaint. The department may refer to the care review
10 committee of a facility any complaint received by the department re-
11 garding that facility, for initial evaluation and appropriate action by
12 the committee. In any case, the complainant shall be promptly in-
13 formed of the result of any action taken by the department or commit-
14 tee in the matter.

15 2. An inspection made pursuant to a complaint filed under section
16 twenty-four (24) of this Act shall be limited to the matter or matters
17 complained of, and shall not be a general inspection. Upon arrival at
18 the facility to be inspected, the inspector shall identify himself or her-
19 self to an employee of the facility and state that an inspection is to be
20 made, before beginning the inspection. Upon request of either the com-
21 plainant or the department or committee, the complainant or his or
22 her representative or both may be allowed the privilege of accompany-
23 ing the inspector during any on-site inspection made pursuant to this
24 section. The inspector may cancel the privilege at any time if the in-
25 spector determines that the privacy of any resident of the facility to be
26 inspected would otherwise be violated. The dignity of the resident
27 shall be given first priority by the inspector and others.

28 3. If upon an inspection of a facility by its care review committee,
29 pursuant to this section, the committee advises the department of any
30 circumstance believed to constitute a violation of this chapter or of any
31 rule adopted pursuant to it, the committee shall similarly advise the
32 facility at the same time. If the facility's licensee or administrator dis-
33 agrees with the conclusion of the committee regarding the supposed vi-
34 olation, an informal conference may be requested and if requested
35 shall be arranged by the department as provided in section twenty-nine
36 of this Act before a citation is issued. If the department thereafter
37 issues a citation pursuant to the committee's finding, the facility shall
38 not be entitled to a second informal conference on the same violation
39 and the citation shall be considered affirmed. The facility cited may
40 proceed under section thirty (30) of this Act if it so desires.

1 **SEC. 26. NEW SECTION. No advance notice of inspection—excep-**
2 **tion.** No advance notice of an on-site inspection made pursuant to
3 section twenty-five (25) of this Act shall be given the health care facili-
4 ty or the licensee thereof unless previously and specifically authorized
5 in writing by the commissioner or required by federal law. The person
6 in charge of the facility shall be informed of the substance of the com-
7 plaint at the commencement of the on-site inspection.

1 **SEC. 27. NEW SECTION. Citations when violations found—excep-**
2 **tion.**

3 1. When any inspection or investigation of a health care facility
4 made pursuant to this chapter finds the facility in violation of any ap-
5 plicable requirement of this chapter or the rules adopted pursuant to
6 it, the commissioner shall within five working days after a finding of a
7 class I violation is made, and within ten working days after a finding
8 of a class II or class III violation is made, issue a written citation to

9 the facility. The citation shall be served upon the facility personally or
 10 by certified mail, except that a citation for a class III violation may be
 11 sent by ordinary mail. Each citation shall specifically describe the na-
 12 ture of the violation, identifying the Code section or subsection or the
 13 rule or standard violated, and the classification of the violation under
 14 section twenty-three (23) of this Act. Where appropriate, the citation
 15 shall also state the period of time allowed for correction of the viola-
 16 tion, which shall in each case be the shortest period of time the depart-
 17 ment deems feasible. Failure to correct a violation within the time
 18 specified, unless the licensee shows that the failure was due to circum-
 19 stances beyond the licensee's control, shall subject the facility to a fur-
 20 ther penalty of fifty dollars for each day that the violation continues
 21 after the time specified for correction.

22 2. When a citation is served upon or mailed to a health care facility
 23 under subsection one (1) of this section, and the licensee of the facility
 24 is not actually involved in the daily operation of the facility, a copy of
 25 the citation shall be mailed to the licensee. If the licensee is a corpora-
 26 tion, a copy of the citation shall be sent to the corporation's office of
 27 record. If the citation was issued pursuant to an inspection resulting
 28 from a complaint filed under section twenty-four (24) of this Act, a
 29 copy of the citation shall be sent to the complainant at the earliest
 30 time permitted by section one hundred thirty-five C point nineteen
 31 (135C.19), subsection one (1), of the Code.

32 3. No health care facility shall be cited for any violation caused by
 33 any practitioner licensed pursuant to chapters one hundred forty-eight
 34 (148), one hundred fifty (150) or one hundred fifty A (150A) of the
 35 Code if that practitioner is not the licensee of and is not otherwise fi-
 36 nancially interested in the facility, and the licensee or the facility pre-
 37 sents evidence that reasonable care and diligence have been exercised in
 38 notifying the practitioner of his duty to the patients in the facility.

1 SEC. 28. NEW SECTION. **Licensee's response to citation.** Within
 2 twenty business days after service of a citation under section twenty-
 3 seven (27) of this Act, a facility shall either:

4 1. If it does not desire to contest the citation:
 5 a. Remit to the department the amount specified by the department
 6 pursuant to section twenty-three (23) of this Act as a penalty for each
 7 class I violation cited, and for each class II violation unless the citation
 8 specifically waives the penalty, which funds shall be paid by the de-
 9 partment into the state treasury and credited to the general fund; or
 10 b. In the case of a class II violation for which the penalty has been
 11 waived in accordance with the standards prescribed in section twenty-
 12 three (23), subsection two (2) of this Act, or a class III violation, send
 13 to the department a written response acknowledging that the citation
 14 has been received and stating that the violation will be corrected with-
 15 in the specific period of time allowed by the citation; or

16 2. Notify the commissioner that the facility desires to contest the ci-
 17 tation and, in the case of citations for class II or class III violations, re-
 18 quest an informal conference with a representative of the department.

1 SEC. 29. NEW SECTION. **Informal conference on contested cita-**
 2 **tion.** The commissioner shall assign a representative of the depart-
 3 ment, other than the inspector upon whose inspection the contested
 4 citation is based, to hold an informal conference with the facility with-
 5 in ten working days after receipt of a request made under section twen-
 6 ty-eight (28), subsection two (2) of this Act. At the conclusion of the
 7 conference the representative may affirm or may modify or dismiss the
 8 citation. In the latter case, the representative shall state in writing the

9 specific reasons for the modification or dismissal and immediately
10 transmit copies of the statement to the commissioner, and to the facili-
11 ty. If the facility does not desire to further contest an affirmed or mod-
12 ified citation, it shall within five working days after the informal
13 conference, or after receipt of the written explanation of the represent-
14 ative, as the case may be, comply with section twenty-eight (28), sub-
15 section one (1) of this Act.

1 **SEC. 30. NEW SECTION. Formal contest—judicial review.**

2 1. A facility which desires to contest a citation for a class I violation,
3 or to further contest an affirmed or modified citation for a class II or
4 class III violation, may do so in the manner provided by chapter sev-
5 enteen A (17A) of the Code for contested cases. Notice of intent to for-
6 mally contest a citation shall be given the department in writing
7 within five days after service of a citation for a class I violation, or
8 within five days after the informal conference or after receipt of the
9 written explanation of the representative delegated to hold the informal
10 conference, whichever is applicable, in the case of an affirmed or
11 modified citation for a class II or class III violation. A facility which
12 has exhausted all adequate administrative remedies and is aggrieved
13 by the final action of the department may petition for judicial review
14 in the manner provided by chapter seventeen A (17A) of the Code.

15 2. Hearings on petitions for judicial review brought under this sec-
16 tion shall be set for trial at the earliest possible date and shall take
17 precedence on the court calendar over all other cases except matters to
18 which equal or superior precedence is specifically granted by law. The
19 times for pleadings and for hearings in such actions shall be set by the
20 judge of the court with the object of securing a decision in the matter
21 at the earliest possible time.

1 **SEC. 31. NEW SECTION. Treble fines for repeated violations.**

2 The penalties authorized by section twenty-three (23) of this Act shall
3 be trebled for a second or subsequent class I or class II violation occur-
4 ring within any twelve-month period if a citation was issued for the
5 same class I or class II violation occurring within that period and a
6 penalty was assessed therefor.

1 **SEC. 32. NEW SECTION. Refund of penalty.** If at any time a con-
2 test or appeal of any citation issued a health care facility under this
3 Act results in an order or determination that a penalty previously paid
4 to or collected by the department must be refunded to the facility, the
5 refund shall be made from any money in the state general fund not
6 otherwise appropriated.

1 **SEC. 33. NEW SECTION. Retaliation by facility prohibited.**

2 1. A facility shall not discriminate or retaliate in any way against a
3 resident or an employee of the facility who has initiated or participat-
4 ed in any proceeding authorized by this chapter. A facility which vio-
5 lates this section is subject to a penalty of not less than two hundred
6 fifty nor more than five thousand dollars, to be assessed and collected
7 by the commissioner in substantially the manner prescribed by sections
8 twenty-seven (27) through thirty (30), inclusive, of this Act and paid in-
9 to the state treasury to be credited to the general fund, or to immedi-
10 ate revocation of the facility's license.

11 2. Any attempt to expel from a health care facility a resident by
12 whom or upon whose behalf a complaint has been submitted to the de-
13 partment under section twenty-four (24) of this Act, within ninety days
14 after the filing of the complaint or the conclusion of any proceeding

15 resulting from the complaint, shall raise a rebuttable presumption that
16 the action was taken by the licensee in retaliation for the filing of the
17 complaint.

1 SEC. 34. **NEW SECTION. Report listing licensees and cita-**
2 **tions.** The state department shall annually prepare and make avail-
3 able in its office at the seat of government a report listing all licensees
4 by name and address, indicating (1) the number of citations and the
5 nature of each citation issued to each licensee during the previous
6 twelve-month period and the status of any action taken pursuant to
7 each citation, including penalties assessed, and (2) the nature and sta-
8 tus of action taken with respect to each uncorrected violation for which
9 a citation is outstanding.

1 SEC. 35. **NEW SECTION. Information about complaint proce-**
2 **dure.** The state department shall make a continuing effort to inform
3 the general public of the appropriate procedure to be followed by any
4 person who believes that a complaint against a health care facility is
5 justified and should be made under section twenty-four (24) of this Act.

1 SEC. 36. A health care facility licensed prior to the effective date of
2 this Act under chapter one hundred thirty-five C (135C) as it appears
3 in the Code of 1975 may operate by virtue of that license for one year
4 from the date the license is issued unless it is sooner suspended or re-
5 voked in the manner provided by law. Any facility holding a license
6 on the effective date of this Act shall have one year from that date,
7 subject to such provisional certificates or other extensions as may be
8 granted in accordance with this Act, to achieve compliance with any
9 standards or requirements imposed by or pursuant to this Act which are
10 new or are more stringent than the comparable standards or require-
11 ments previously in existence, but this provision shall not be construed
12 to exempt any facility from operation of the citation and penalty pro-
13 cedure established by this Act as a means of enforcing laws and rules to
14 which the facility is subject.

1 SEC. 37. After consultation with industry, professional and consum-
2 er groups affected thereby, but not later than three months after the
3 effective date of this Act, the commissioner shall initiate the procedure
4 prescribed by section seventeen A point four (17A.4) of the Code for
5 adoption of the rules required by section twenty-three (23) of this Act.
6 The adoption of those rules shall then be completed as expeditiously
7 as reasonably possible. It is the intent of this Act that those rules the
8 adoption of which is required by this section shall serve only to classify
9 violations of and not to substantively change the department's existing
10 rules previously adopted under chapter one hundred thirty-five C
11 (135C) of the Code. Any substantive changes in such existing rules
12 shall be made in a proceeding separate from the proceeding for adop-
13 tion of the rules required by section twenty-three (23) of this Act.

1 SEC. 38. Not later than July 1, 1978, the department shall complete
2 a review of the effectiveness of the citation and penalty procedure es-
3 tablished by this Act as a means of enforcement of the provisions of
4 chapter one hundred thirty-five C (135C) of the Code and of the rules
5 adopted pursuant to it, and shall submit a report thereon to the legis-
6 lative council for transmission to the Sixty-eighth General Assembly
7 upon the convening of its first regular session. The report shall include
8 any recommendations for additional legislation which the department
9 deems necessary to improve the enforcement of the provisions of chap-

10 ter one hundred thirty-five C (135C) of the Code or to enhance the
11 quality of care provided in health care facilities in this state.

1 SEC. 39. This Act shall take effect January 1, 1976.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 120

ADULT FOSTER FAMILY HOMES

S. F. 193

AN ACT to amend chapter 135C of the Code so as to change the defined term "adult foster home" to "adult foster family home" and to make certain related changes in the use of that term.

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

1 SECTION 1. Section one hundred thirty-five C point one (135C.1),
2 subsections one (1) and eight (8), Code 1975, is amended to read as fol-
3 lows:

4 1. "Adult foster *family* home" means any private dwelling or other
5 suitable place providing for a period exceeding twenty-four consecutive
6 hours accommodation, board, and supervision, for which a charge is
7 made, to not more than ~~two~~ *five* individuals, not related to the owner
8 or occupant of the dwelling or place within the third degree of consan-
9 guinity, who by reason of age, illness, disease, or physical or mental
10 infirmity are unable to sufficiently or properly care for themselves, but
11 who are essentially capable of managing their own affairs.

12 8. "Health care facility" or "facility" means any adult foster *family*
13 home, boarding home, custodial home, basic nursing home, intermedi-
14 ate nursing home, skilled nursing home, or extended care facility.

1 SEC. 2. Section one hundred thirty-five C point four (135C.4), Code
2 1975, is amended to read as follows:

3 **135C.4 Custodial homes.** Each facility licensed as a custodial
4 home or boarding home shall provide an organized continuous twenty-
5 four hour program of care commensurate with the needs of the resi-
6 dents of the home and under the immediate direction of a person
7 whose combined training and supervised experience is such as to ensure
8 adequate and competent care. All admissions to custodial homes, *or*
9 boarding homes, ~~or~~ *and all placements in* adult foster *family* homes
10 shall be based on an order written by a physician certifying that the
11 individual being admitted *or placed* does not require nursing care.

1 SEC. 3. Section one hundred thirty-five C point seven (135C.7), sub-
2 section two (2), unnumbered paragraph one (1), Code 1975, is amended
3 to read as follows:

4 2. For ~~adult foster homes~~, boarding homes, and custodial homes,
5 having a total of:

1 SEC. 4. Section one hundred thirty-five C point seven (135C.7),
2 Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. For adult foster family homes, five dollars.

Approved May 12, 1975

CHAPTER 121

SERVICE PROGRAM FOR THE DEAF

H. F. 332

AN ACT to establish a service program for the deaf within the department of health.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
2 less the context otherwise requires:

3 1. "Deaf" or "deafness" refers to a hearing handicap which impairs
4 the ability of the handicapped person to avail himself or herself of one
5 or more community services.

6 2. "Service projects" include interpretation services for persons who
7 are deaf, referral and counseling services for deaf people in the areas of
8 adult education, legal aid, employment, medical, finance, housing,
9 recreation and other personal assistance and social programs.

10 3. "Resource workers" are persons who, on a volunteer basis or for
11 compensation, carry out service projects.

12 4. "Advisory committee" means the advisory committee on the deaf
13 established in section three (3) of this Act.

14 5. "Commissioner" means the commissioner of public health.

1 SEC. 2. NEW SECTION. **Establishment.** There is established with-
2 in the department of health a service program for the deaf. The com-
3 missioner shall appoint a full-time director of the service program who
4 shall be proficient in the use of sign language and knowledgeable in
5 the problems of deaf persons. The director shall administer all service
6 projects authorized by the commissioner.

1 SEC. 3. NEW SECTION. **Advisory committee.** There is created an
2 advisory committee on the deaf to consist of seven members appointed
3 by the governor. Lists of nominees for appointment to membership on
4 the advisory committee shall be submitted by the Iowa association for
5 the deaf, the Iowa school for the deaf, and the governor's committee
6 on employment of the handicapped. At least four members shall be
7 persons to whom human speech is unintelligible with or without use of
8 amplification. All members shall reside in Iowa.

1 SEC. 4. NEW SECTION. **Terms.** Members of the advisory commit-
2 tee shall be appointed for terms of three years, except that terms of the
3 initial appointees shall be staggered so that two members are appoint-
4 ed for terms of one year, two members for terms of two years, and
5 three members for terms of three years. Vacancies shall be filled for the
6 unexpired term in the manner of the original appointment. Members
7 shall not serve more than two consecutive terms. Members of the advi-
8 sory committee shall serve without compensation, but shall receive re-
9 imbursement for the actual and necessary expenses incurred in the
10 performance of their official duties as members of the committee.

1 SEC. 5. NEW SECTION. **Duties of the commissioner.** The com-
2 missioner, with the advice of the advisory committee, shall:

3 1. Interpret to communities and to interested persons the needs of
4 the deaf and how their needs may be met through the use of resource
5 workers.

6 2. Obtain without additional cost to the state available office space
7 in public and private agencies which resource workers may utilize in
8 carrying out service projects.

9 3. Establish service projects throughout the state. No projects shall
10 be undertaken by resource workers for compensation which would du-
11 plicate existing services when those services are available to deaf peo-
12 ple through paid interpreters or other persons able to communicate
13 with deaf people.

14 4. Identify agencies, both public and private, which provide commu-
15 nity services, evaluate the extent to which they make services available
16 to deaf people and cooperate with the agencies in coordinating and ex-
17 tending these services.

18 5. Collect information concerning deafness and provide for the dis-
19 semination of the information.

20 6. Provide for the mutual exchange of ideas and information on ser-
21 vices for deaf people between federal, state and local governmental
22 agencies and private organizations and individuals.

23 7. Make an annual report to the governor with recommendations for
24 extending services to deaf people through the operations of the service
25 program established in this Act.

1 SEC. 6. NEW SECTION. **Grants and gifts received.** The commis-
2 sioner may receive federal funds or private grants and gifts for use in
3 the service program for the deaf. All federal funds, grants and gifts
4 shall be used only for the purposes agreed upon as conditions for re-
5 ceiving the funds, grants and gifts.

Approved May 12, 1975

CHAPTER 122

PSYCHOLOGY EXAMINERS

H. F. 398

AN ACT relating to the board of psychology examiners.

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

1 SECTION 1. Section one hundred forty-seven point eighteen (147.18),
2 Code 1975, is amended to read as follows:

3 **147.18 Disqualifications.** No examiner shall be an officer or
4 member of the instructional staff of any school in which any profession
5 regulated by this title is taught, or be connected therewith in any man-
6 ner, except nurse examiners *and psychology examiners*. No examiners
7 shall be connected in any manner with any wholesale or jobbing house
8 dealing in supplies.

Approved May 12, 1975

CHAPTER 123

SPECIAL MEDICAL AND SURGERY LICENSE

H. F. 459

AN ACT permitting the issuance of a special license by the board of medical examiners to authorize the licensee to practice medicine and surgery.

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

- 1 SECTION 1. Chapter one hundred forty-eight (148), Code 1975, is
2 amended by adding the following new section:
- 3 NEW SECTION. 1. Whenever the need exists, the board of medical
4 examiners may issue a special license. The special license shall author-
5 ize the licensee to practice medicine and surgery under the policies and
6 standards applicable to the health care services of a medical school aca-
7 demic staff member or as otherwise specified in the special license.
- 8 2. A person applying for a special license shall:
- 9 a. Be a physician in a professional specialty.
10 b. Present a diploma issued by a medical college.
11 c. Present evidence of an unrestricted license to practice medicine
12 and surgery which has been issued by a foreign state or territory or an
13 alien country.
14 d. Present a letter of recommendation from the dean of a medical
15 school in this state indicating that the applicant has been invited to
16 serve on the academic staff of the medical school.
17 e. Present letters of recommendation from universities, other educa-
18 tional institutions, or research facilities that indicate the noteworthy
19 professional attainment by the applicant.
20 f. Present biographical background information concerning the ap-
21 plicant's education and qualifications.
- 22 3. The fee for initial issuance of a special license shall be established
23 in an amount sufficient to cover the costs of issuing the special license.
24 If the special license is extended beyond one year, an annual renewal
25 fee shall be established in an amount sufficient to cover the costs of re-
26 newing the special license.
- 27 4. Notwithstanding the provisions of chapter seventeen A (17A) of
28 the Code, the board may cancel a special license at any time without
29 hearing. However, when such license is proposed to be canceled, the
30 board shall promptly notify the licensee by certified mail sent to the
31 last known address of the licensee. Thirty days after the service of such
32 notice, the special license shall be canceled.
- 33 5. A special license issued under this section shall automatically ex-
34 pire upon the special licensee discontinuing service on the academic
35 staff of a medical school in this state. An expired special license shall
36 not be renewed. However, a former special licensee may reapply for a
37 special license.

Approved May 15, 1975

CHAPTER 124
MARKETING BOARD

H. F. 793

AN ACT relating to the marketing board of the department of agriculture.

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), unnumbered paragraph three (3), Code 1975, is amended to
3 read as follows:

4 Appointive members of the board shall receive *forty dollars per*
5 *diem*, actual necessary expenses and mileage expenses incurred while
6 engaged in the business of the agriculture marketing board.

Approved June 6, 1975

CHAPTER 125
FRUIT TREE AND FOREST RESERVATIONS

H. F. 907

AN ACT relating to a fruit-tree and forest reservation which may qualify for a tax exemption.

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

1 SECTION 1. Section one hundred sixty-one point three (161.3), Code
2 1975, is amended to read as follows:

3 **161.3 Forest reservation.** A forest reservation shall contain not
4 less than two hundred growing forest trees on each acre. If the area se-
5 lected is a forest containing the required number of growing forest
6 trees, it shall be accepted as a forest reservation under the provisions of
7 this chapter. If the area selected is a forest containing less than two
8 hundred forest trees to the acre, or if it is a grove or an area to be
9 planted to trees, the owner or owners thereof shall have planted, culti-
10 vated, and otherwise properly cared for the number of forest trees nec-
11 essary to bring the total number of growing trees to not less than two
12 hundred on each acre, during a period of not more than two years, af-
13 ter it has been accepted as a forest reservation within the meaning of
14 this chapter. ~~No~~ Any ground upon which any ~~farm~~ buildings stand *or*
15 *are erected or other improvements are made, excluding fences,* shall
16 not be recognized as part of any ~~such~~ forest reservation *under this sec-*
17 *tion or a fruit-tree reservation under section one hundred sixty-one*
18 *point seven (161.7) of the Code.*

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 126

ABANDONED ANIMALS

H. F. 264

AN ACT to allow the destruction of abandoned animals by veterinarians, boarding and commercial kennels.

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

1 SECTION 1. Chapter one hundred sixty-two (162), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. Whenever any animal is left with a veterinarian,
4 boarding kennel, or commercial kennel pursuant to a written agree-
5 ment and the owner does not claim the animal by the agreed date, the
6 animal shall be deemed abandoned, and a notice of abandonment and
7 its consequences shall be sent within seven days by certified mail to the
8 last known address of the owner. For fourteen days after mailing of the
9 notice the owner shall have the right to reclaim the animal upon pay-
10 ment of all reasonable charges, and after the fourteen days the owner
11 shall be deemed to have waived all rights to the abandoned animal. If
12 despite diligent effort an owner cannot be found for the abandoned an-
13 imal within another seven days, the veterinarian, boarding kennel, or
14 commercial kennel may humanely destroy the abandoned animal.

15 Each veterinarian, boarding kennel, or commercial kennel shall warn
16 its patrons of the provisions of this section by a conspicuously posted
17 notice or by conspicuous type in a written receipt.

Approved June 16, 1975

CHAPTER 127

BOVINE BRUCELLOSIS

H. F. 870

AN ACT relating to the eradication of bovine brucellosis and making an appropriation.

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

1 SECTION 1. Section one hundred sixty-four point one (164.1), subsec-
2 tion seven (7), Code 1975, is amended to read as follows:

3 7. "Official calfhoo~~d~~ vaccination" shall mean the vaccination of any
4 *female calf of a dairy breed* between the ages of ~~four~~ two months and
5 *eight six months or any female calf of a beef breed between the ages*
6 *of two months and ten months* with brucella ~~abortus~~ vaccine ~~strain~~
7 ~~number nineteen or such other vaccine as may hereafter~~ be approved
8 by U.S. department of agriculture, which calf shall have been vaccinat-
9 ed by a licensed accredited veterinarian according to the rules estab-
10 lished by the department. The officially vaccinated animal shall be
11 identified by a vaccination tattoo mark, and ear tag or owner's pure-
12 bred identification. Such tattoo mark, ear tag or owner's purebred
13 identification shall be described in a certificate furnished by the at-
14 tending veterinarian.

15 Within thirty days following such vaccination, the attending veteri-
16 narian shall supply the owner with a certificate of vaccination. The

17 veterinarian shall retain a copy of same and forward a copy to the lo-
 18 cal office of the U.S. department of agriculture or a copy to the Iowa
 19 department of agriculture. ~~The veterinarian certificate covering the of-~~
 20 ~~ficial vaccination shall entitle the vaccinated animal to be consigned to~~
 21 ~~sales and exhibited at shows within the state at any time until said an-~~
 22 ~~imal is thirty months of age.~~

1 SEC. 2. Section one hundred sixty-four point three (164.3), Code
 2 1975, is amended to read as follows:

3 **164.3 Female calves vaccinated.** All native female cattle of a
 4 *dairy breed* between the ages of ~~three~~ *two* and ~~eight~~ *six* months and
 5 *all native female cattle of a beef breed* between the ages of *two*
 6 *months and ten months* may be officially vaccinated for brucellosis
 7 according to the method approved by the United States department of
 8 agriculture. The expense of such vaccination shall be borne in the same
 9 manner as set forth in section 164.6.

1 SEC. 3. Section one hundred sixty-four point thirteen (164.13), sub-
 2 section one (1), Code 1975, is amended to read as follows:

3 1. Calves under ~~eight~~ *ten* months of age, spayed heifers, and steers.

1 SEC. 4. Section one hundred sixty-four point fourteen (164.14), sub-
 2 section one (1), unnumbered paragraph one (1), Code 1975, is amended
 3 to read as follows:

4 Female cattle over ~~eight~~ *ten* months of age, and under twenty-four
 5 months not visibly pregnant may enter the state for feeding purposes
 6 to be consigned to a state-approved premises under quarantine. Such
 7 cattle as well as native female animals over twenty-four months of age
 8 that have been consigned to the lot may be released from the premises
 9 if they meet one of the following requirements:

1 SEC. 5. Section one hundred sixty-four point twenty-one (164.21),
 2 unnumbered paragraph three (3), Code 1975, is amended to read as fol-
 3 lows:

4 In the case of individual payment, all animals shall be individually
 5 appraised and the amount of indemnity shall be equal to the differ-
 6 ence between the slaughter value and the appraisal price, less the
 7 amount of indemnity paid by the United States department of agricul-
 8 ture. *The total amount of indemnity paid by the county of origin*
 9 *for a grade animal or a purebred animal shall not exceed two*
 10 *hundred dollars. However, if a purebred animal is purchased and*
 11 *owned for at least one year before testing and the owner can verify*
 12 *the actual cost, the board of supervisors of the county of origin may,*
 13 *by resolution award the payment of an additional indemnification*
 14 *not to exceed five hundred fifty dollars or the actual cost of the ani-*
 15 *mal when purchased, whichever is less.*

1 SEC. 6. Section one hundred sixty-four point twenty-four (164.24),
 2 Code 1975, is amended to read as follows:

3 **164.24 Collection of tax—transfer.** Such levy shall be placed
 4 upon the tax list by the county auditor and collected by the county
 5 treasurer in the same manner and at the same time as other taxes of
 6 the county. The money derived from such levy shall be placed in a
 7 fund to be known as the "County Brucellosis Eradication Fund", and
 8 shall be used only for the payment of claims as provided in this chap-
 9 ter, and for payment of the expenses of the inspection and testing pro-
 10 gram provided in chapter 163A. *However, the board of supervisors*
 11 *may transfer any unexpended funds from the county brucellosis*
 12 *eradication fund to the county tuberculosis eradication fund to*

13 *meet any unpaid obligations of the county tuberculosis eradication*
 14 *fund.*

1 SEC. 7. Section one hundred sixty-five point nineteen (165.19),
 2 Code 1975, is amended to read as follows:

3 **165.19 Collection—transfer.** Such levy shall be placed upon the
 4 tax list by the county auditor and collected by the county treasurer in
 5 the same manner and at the same time as other taxes of the county.
 6 The money derived from such levy shall be placed in a fund to be
 7 known as the county tuberculosis eradication fund, and the same shall
 8 only be used for the payment of claims as provided in this chapter and
 9 for payment of the expenses of the inspection, testing and indemnifica-
 10 tion program provided for the eradication of tuberculosis in swine.
 11 *However, the board of supervisors may transfer any unexpended*
 12 *funds from the county tuberculosis eradication fund to the county*
 13 *brucellosis eradication fund to meet any unpaid obligations of the*
 14 *county brucellosis eradication fund.*

1 SEC. 8. There is appropriated from the general fund of the state to
 2 the department of agriculture for the fiscal year beginning July 1, 1975
 3 and ending June 30, 1976, the sum of fifty thousand (50,000) dollars, or
 4 so much thereof as may be necessary, to make grants to counties to pay
 5 the indemnity and the expenses of the inspection and testing of ani-
 6 mals as provided in chapters one hundred sixty-three A (163A) and one
 7 hundred sixty-four (164) of the Code. The secretary of agriculture shall
 8 not approve a grant under this section to a county unless the board of
 9 supervisors has levied the maximum levy for the county brucellosis
 10 eradication fund under section one hundred sixty-four point twenty-
 11 three (164.23) of the Code for the fiscal year beginning July 1, 1975
 12 and ending June 30, 1976 and all funds in the county brucellosis eradi-
 13 cation fund including all unobligated funds transferred from the coun-
 14 ty tuberculosis eradication fund, have been expended.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 128

VETERINARY LAY ASSISTANTS

H. F. 396

AN ACT relating to the issuing of certificates to veterinary lay assistants.

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

1 SECTION 1. Section one hundred sixty-nine point three (169.3), Code
 2 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. Veterinary lay assistants may be issued a certifi-
 4 cate by the secretary of agriculture after proper showing of competency
 5 to perform such duties as they shall be assigned, but veterinary lay as-
 6 sistants can only perform duties under the direct supervision of an em-
 7 ployer who is a duly licensed veterinarian.

Approved June 3, 1975

CHAPTER 129

RESTAURANTS

S. F. 167

AN ACT relating to licensing and regulating restaurants and food establishments.

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

1 SECTION 1. Section one hundred seventy point one (170.1), subsection
2 six (6), Code 1975, is amended to read as follows:

3 6. "Food establishment" shall include any building, room, base-
4 ment, or other place, used as a bakery, confectionery, cannery, packing
5 house, slaughterhouse, dairy, creamery, cheese factory, retail grocery,
6 meat market, or other place in which food is kept, produced, prepared,
7 or distributed for commercial purposes for off the premise consumption,
8 except those premises ~~holding a current class "A" license issued~~
9 ~~pursuant to chapter 124 covered by a current class "A" beer permit as~~
10 *provided in chapter one hundred twenty-three (123) of the Code.*

1 SEC. 2. Section one hundred seventy point nineteen (170.19), sub-
2 section six (6), Code 1975, is amended to read as follows:

3 6. While preparing food, employees ~~whose hair does not extend be-~~
4 ~~low their ears shall wear suitable head covering, and employees whose~~
5 ~~hair extends below their ears shall wear hairnets, shall use effective~~
6 *hair restraints to prevent the contamination of food.*

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 130

ANIMALS FOR SLAUGHTER IDENTIFIED

S. F. 378

AN ACT providing for identification of boars, sows and stags designated for slaughter.

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

1 SECTION 1. **Purpose.** The purpose of this Act is to establish a pos-
2 itive means of identifying all boars, sows and stags purchased for
3 slaughter on their arrival at the first point of concentration after such
4 sale. The purpose of such swine identification program is to facilitate
5 eradication of swine diseases.

1 SEC. 2. NEW SECTION. **Definitions.**

2 1. "Person" means a person as defined in subsection thirteen (13) of
3 section four point one (4.1) of the Code.

4 2. "Department" means the department of agriculture of this state.

5 3. "Slaughtering establishment" means any person engaged in the
6 business of slaughtering live animals or receiving or buying live ani-
7 mals for slaughter.

8 4. "Stag" means a male swine that has formerly been used for breed-
9 ing purposes but that has subsequently been castrated.

10 5. "Livestock dealer, livestock market operator, or stockyard opera-
11 tor" means any person engaged in the business of buying for resale, or

12 selling, or exchanging swine as a principal or agent, or one who holds
 13 himself or herself out as so engaged, but does not include the owner or
 14 operator of a farm who does not hold himself or herself out as so en-
 15 gaged, and who sells or exchanges only those swine which have been
 16 kept by him or her solely for feeding or breeding purposes.

1 **SEC. 3. NEW SECTION. Identification required.**

2 1. All boars, sows and stags received for sale or shipment to slaugh-
 3 ter by a livestock dealer, livestock market operator or stockyard opera-
 4 tor shall be identified at the first point of concentration by such dealer
 5 or operator by application of a slap tattoo or other identification ap-
 6 proved by the department.

7 2. All boars, sows and stags consigned directly from a farm to a
 8 slaughtering establishment shall be identified at the first point of con-
 9 centration by the consignee.

1 **SEC. 4. NEW SECTION. Form of identification required.**

2 1. The slap tattoo or other means of identification required by section
 3 three (3) of this Act shall be in accordance with regulations of the de-
 4 partment.

5 2. Each person required by section three (3) of this Act to identify
 6 animals shall record such identification on forms specified and fur-
 7 nished by the department. The identification shall include the tattoo
 8 specifications, the date of application, and the name, address and
 9 county of residence of the person who owned or controlled the herd
 10 from which the animals originated.

11 3. Such records shall be maintained for a length of time as required
 12 by and pursuant to chapter three hundred four (304) of the Code and
 13 at the point of concentration and shall be made available for inspec-
 14 tion by the department at reasonable times.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 131

MEAT PACKERS

H. F. 625

AN ACT relating to persons engaged in the business of soliciting, purchasing, or receiving live animals for slaughter, and providing penalties.

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

1 SECTION 1. Section one hundred seventy-two A point one (172A.1),
 2 Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Secretary" means the secretary of agriculture or
 4 the secretary's designee.

1 SEC. 2. Section one hundred seventy-two A point one (172A.1), sub-
 2 section three (3), Code 1975, is amended to read as follows:

3 3. "Dealer" or "broker" means any person ~~determined by the depart-~~
 4 ~~ment of agriculture to be, other than an agent, who is engaged in this~~
 5 ~~state in the business of slaughtering live animals, or receiving, or buy-~~
 6 ~~ing, or soliciting live animals for slaughter, the meat products of~~
 7 ~~which are directly or indirectly to be offered for resale or for public~~
 8 ~~consumption.~~

1 SEC. 3. Section one hundred seventy-two A point one (172A.1), sub-
2 section four (4), Code 1975, is amended to read as follows:

3 4. "Agent" means a person engaged in the ~~business of~~ buying or so-
4 *liciting in this state of* livestock for slaughter *exclusively* on behalf of
5 ~~any~~ a dealer or broker.

1 SEC. 4. Section one hundred seventy-two A point two (172A.2),
2 Code 1975, is amended to read as follows:

3 **172A.2 License required.** No person shall act as a dealer or bro-
4 ker without first being licensed. No ~~agent person~~ shall act for any
5 dealer or broker *as an agent* unless such dealer or broker is licensed,
6 has designated such agent to act in ~~his~~ *the dealer's or broker's* behalf,
7 and has notified the ~~department~~ *secretary* of the designation in ~~his~~ *the*
8 *dealer's or broker's* application for license or has given official notice
9 in writing of the appointment of the agent and ~~requested the depart-~~
10 ~~ment to issue the secretary has issued~~ to the agent an agent's license.
11 A dealer or broker shall be accountable and responsible for contracts
12 made by an agent in the course of ~~his~~ *the agent's* employment. The li-
13 cense of an agent whose ~~services are~~ *employment by the dealer or bro-*
14 *ker is terminated by or with the dealer or broker* shall be void on the
15 date written notice of termination is received by the ~~department~~ *secre-*
16 *tary*. The license of a dealer, broker, or agent, unless revoked, shall ex-
17 pire on the last day of June following the date of issue. The annual
18 fee for the license of a dealer or broker is ~~twenty-five~~ *fifty* dollars. The
19 annual fee for an agent's license is ten dollars.

20 *No person may be issued a license if that person previously has*
21 *had a license revoked, or previously was issued a license and the*
22 *secretary suspended that license, unless the order of suspension or*
23 *revocation is thereafter terminated by the secretary.*

1 SEC. 5. Section one hundred seventy-two A point four (172A.4),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **172A.4 Proof of financial responsibility required.** No license
5 shall be issued by the secretary to a dealer or broker until the applicant
6 has furnished proof of financial responsibility as provided in this sec-
7 tion. The proof may be in the following forms:

8 1. A bond of a surety company authorized to do business in the state
9 of Iowa in the form prescribed by and to the satisfaction of the secre-
10 tary, conditioned for the payment of a judgment against the applicant
11 furnishing the bond because of nonpayment of obligations in connec-
12 tion with the purchase of animals.

13 a. The amount of bond for an established dealer or broker who does
14 not maintain a business location in this state shall be not less than the
15 nearest multiple of five thousand dollars above twice the average daily
16 value of purchases of livestock originating in this state, handled by
17 such applicant during the preceding twelve months or such parts there-
18 of as the applicant was purchasing livestock. The bond of a person who
19 does not maintain a business location in this state shall be conditioned
20 for the payment only of those claims which arise from purchases of
21 livestock originating in this state.

22 b. The amount of bond for an established dealer or broker who
23 maintains one or more business locations in this state shall be not less
24 than the nearest multiple of five thousand dollars above twice the av-
25 erage daily value of purchases of livestock originating in this state
26 handled by the applicant during the preceding twelve months or such
27 parts thereof as the applicant was purchasing livestock. The bond of a

28 person who maintains one or more business locations in this state shall
29 be conditioned for the payment only of those claims which arise from
30 purchases of livestock originating in this state.

31 c. If a new dealer or broker not previously covered by this chapter
32 applies for a license, the amount of bond shall be based on twice the
33 estimated average daily value of purchases of livestock originating in
34 this state.

35 d. For the purpose of computing average daily value, two hundred
36 sixty is deemed the number of business days in a year.

37 e. Whenever a dealer or broker's weekly purchases exceed one
38 hundred fifty percent of his average weekly volume, the department
39 shall require additional bond in an amount determined by the depart-
40 ment.

41 f. The licensee and surety of the bond shall be held and firmly
42 bound unto the secretary as trustee for all persons who may be dam-
43 aged because of nonpayment of obligations in connection with the pur-
44 chase of animals originating in this state. Any person damaged because
45 of such nonpayment may maintain suit in the person's own behalf to
46 recover on the bond, even though not named as a party to the bond.

47 g. For purposes of subsection one (1) of this section, "purchases of
48 livestock originating in this state" shall not include purchases by deal-
49 ers or brokers from their subsidiaries.

50 2. A bond equivalent may be filed in lieu of a bond. The bond
51 equivalent shall be in the form of a trust agreement and the fund of
52 the trust shall be in the form of fully negotiable obligations of the
53 United States or certificates of deposit insured by the Federal Deposit
54 Insurance Corporation or the Federal Savings and Loan Insurance Cor-
55 poration.

56 The trust agreement shall be in the form prescribed by the secretary
57 and executed to the satisfaction of the secretary. The trustee of the
58 trust agreement shall be an institution located in this state in which
59 the funds are invested or deposited.

60 The trust agreement shall provide as beneficiary, the secretary for
61 the benefit of those persons damaged because of nonpayment of obli-
62 gations in connection with the purchase of animals originating in this
63 state. The fund in trust shall be an amount calculated in the exact
64 manner as provided in subsection one (1) of this section. The fund in
65 trust shall not be subject to attachment for any other claim, or to levy
66 of execution upon a judgment based on any other claim.

67 3. Any person damaged by nonpayment of obligations or by any
68 misrepresentation or fraud on the part of a broker or dealer may main-
69 tain an action against the broker or dealer, and the sureties on the
70 bonds or the trustee of a trust fund. The aggregate liability of the sure-
71 ties or the trust for all such damage shall not exceed the amount of the
72 bond or trust. In the event that the aggregate claims exceed the total
73 amount of the bond or trust, the amount payable on account of any
74 claim shall be in the same proportion to the amount of the bond or
75 trust as the individual claim bears to the aggregate claims.

76 Unless the person damaged files claim with the dealer or broker, and
77 with the sureties or trustee, and with the department within ninety
78 days after the date of the transaction on which the claim is based, the
79 claimant shall be barred from maintaining an action on the bond or
80 trust and from receiving any proceeds from the bond or trust.

81 4. Whenever the secretary determines that the business volume of
82 the applicant or licensee is such as to render the bond or trust inade-
83 quate, the amount of the bond or trust shall be, upon notice, adjusted.

84 5. All bonds and trust agreements shall contain a provision requiring
85 that at least thirty days' prior notice in writing be given to the secre-
86 tary by the party terminating the bond or trust agreement as a condi-
87 tion precedent to termination.

88 Whenever a bond or a trust agreement is to be terminated by a can-
89 cellation by the surety or trustee, the secretary shall cause to be pub-
90 lished notices of the proposed cancellation not less than ten days prior
91 to the date the cancellation is effective. The notices shall be published
92 as follows:

93 (1) In the Iowa Administrative Code.

94 (2) In a newspaper of general circulation in the county in which the
95 licensee maintains a business location, or if the licensee maintains no
96 business location in this state, then in the county where the licensee
97 transacts a substantial part of the licensee's business.

98 (3) By general news release to all news media.

99 Failure by the secretary to cause the publication of notice as required
100 by this paragraph shall not be deemed to prevent or delay the cancel-
101 lation.

102 The termination of a bond or a trust agreement shall not release the
103 parties from any liability arising out of the facts or transactions occur-
104 ring prior to the termination date.

105 Trust funds shall not be withdrawn from trust by a licensee until the
106 expiration of ninety days after the date of termination of the trust,
107 and then only if no claims secured by the agreement have been filed
108 with the secretary. If any claims have been filed with the secretary, the
109 withdrawal of funds by the licensee shall not be permitted until the
110 claims have been satisfied or released and evidence of the satisfaction
111 or release filed with the secretary.

112 6. A person who is not a resident of this state and who either main-
113 tains no business location in this state or maintains one or more busi-
114 ness locations in this state, and a person who is a resident of this state
115 and who maintains more than one business location in this state, may
116 submit a consolidated proof of financial responsibility. The consolidat-
117 ed proof of financial responsibility shall consist of a bond or a trust
118 agreement meeting all of the requirements of this section, except that
119 the calculation of the amount of the bond or the amount of the trust
120 fund shall be based on the average daily value of all purchases of live-
121 stock originating in this state. A person who submits consolidated proof
122 of financial responsibility shall maintain separate records for each busi-
123 ness location, and shall maintain such other records respecting purchas-
124 es of livestock as the secretary by rule shall prescribe.

1 SEC. 6. Section one hundred seventy-two A point five (172A.5),
2 Code 1975, is amended to read as follows:

3 **172A.5 Bonded packers exempt registration.** ~~Any~~ A dealer or
4 broker who has a bond required by the United States department of ag-
5 riculture under the Packers and Stockyards Act of 1921 as amended,
6 Title VII, sections 181 through 231, United States Code, shall be ex-
7 empt from the bonding provisions of this chapter *upon registration*
8 *with the secretary. Registration shall be effective upon filing with*
9 *the secretary a certified copy of the bond filed with the United*
10 *States department of agriculture, and shall continue in effect until*
11 *that bond is terminated.*

1 SEC. 7. Section one hundred seventy-two A point six (172A.6), Code
2 1975, is amended to read as follows:

3 **172A.6 Low volume dealers exempt from license and**
4 **bond.** The ~~licensing~~ *license and financial responsibility* provisions

5 of this chapter shall not apply to any ~~dealer or broker~~ person who has
 6 a license issued by the department to conduct a food establishment or
 7 locker plant is licensed by the secretary as provided in chapters one
 8 hundred seventy (170), one hundred seventy-one (171), or one
 9 hundred seventy-two (172) of the Code, and who purchases livestock
 10 for slaughter valued at less than an average daily value of ~~one~~ two
 11 thousand five hundred dollars during the preceding twelve months or
 12 such part thereof as the ~~dealer or broker~~ person was purchasing live-
 13 stock. Said licensees are made subject to this chapter as to the regulato-
 14 ry and penal provisions hereof. All other provisions of this chapter
 15 shall apply to said dealers or brokers.

16 *The provisions of this chapter shall not apply to any other person*
 17 *who purchases livestock for slaughter valued at less than an average*
 18 *daily value of two thousand five hundred dollars based upon the*
 19 *preceding twelve months or such part thereof as the person was pur-*
 20 *chasing livestock.*

1 SEC. 8. Section one hundred seventy-two A point nine (172A.9),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **172A.9 Payment for livestock.**

5 1. Each dealer, or broker purchasing livestock, before the close of the
 6 next business day following either the purchase of livestock or the de-
 7 termination of the amount of the purchase price, whichever is later,
 8 shall transmit or deliver to the seller or the seller's duly authorized
 9 agent the full amount of the purchase price. If livestock is bought on a
 10 yield or grade and yield basis, a dealer or broker shall upon the express
 11 request in writing of the seller, transmit or deliver to the seller or the
 12 seller's duly authorized agent before the close of the next business day
 13 following such purchase or delivery, whichever is later, up to eighty
 14 percent of the estimated purchase price, and pay the remaining bal-
 15 ance on the next business day following the determination of the pur-
 16 chase price.

17 2. Payment to the seller shall be made by cash, check, or wire trans-
 18 fer of funds. If payment to the seller is by check, the check shall be
 19 drawn on a bank located in this state or on a bank located in an adja-
 20 cent state and in the nearest city to Iowa in which a check processing
 21 center of a federal reserve bank district is located. For the purpose of
 22 this subsection, "wire transfer" means any telephonic, telegraphic, elec-
 23 tronic, or similar communication between the bank of the purchaser
 24 and the bank of the seller which results in the transfer of funds or cred-
 25 its of the purchaser to an account of the seller.

26 3. Provisions of this section may be modified by an agreement
 27 signed by both the buyer and the seller or their duly authorized agents
 28 at the time of the sale. However, such an agreement shall not be a con-
 29 dition of sale unless expressly requested by the seller.

30 4. Failure to comply with this section shall be a violation of this
 31 chapter.

1 SEC. 9. Chapter one hundred seventy-two A (172A), Code 1975, is
 2 amended by adding the following new section:

3 **172A.10 NEW SECTION. Injunctions—criminal penalties.** If
 4 any person who is required by this chapter to be licensed fails to obtain
 5 the required license, or if any person who is required by this chapter to
 6 maintain proof of financial responsibility, or if any licensee fails to
 7 discontinue engaging in licensed activities when that person's license
 8 has been suspended, such failure shall be deemed a nuisance and the
 9 secretary may bring an action on behalf of the state to enjoin such nui-

10 sance. Such actions may be heard on not less than five days notice to
 11 the person whose activities are sought to be enjoined. The failure to
 12 obtain a license when required, or the failure to maintain proof of fi-
 13 nancial responsibility shall constitute a violation of this chapter.

14 Any person convicted of violating any provision of this chapter shall
 15 be punished by a fine of not less than five hundred dollars nor more
 16 than two thousand five hundred dollars, or by imprisonment in the
 17 county jail for not more than six months, or by both fine and impris-
 18 onment.*

1 SEC. 10. Chapter one hundred seventy-two A (172A), Code 1975, is
 2 amended by adding the following new section:

3 **172A.11 NEW SECTION. Suspension of license.**

4 1. The secretary shall have the authority to suspend the license of
 5 any dealer or broker or agent if upon hearing it is found that the deal-
 6 er or broker or agent has committed any of the following acts or omis-
 7 sions:

8 a. Failure to submit a larger bond amount or trust fund when or-
 9 dered by the secretary.

10 b. Failure to pay for purchases of livestock in the manner required
 11 by section eight (8) of this Act.

12 An order of suspension issued by the secretary shall be effective for
 13 an indefinite period, unless and until the person establishes to the sat-
 14 isfaction of the secretary that the person has taken reasonable precau-
 15 tions to prevent a recurrence of the act or omission in the future.

16 2. The secretary shall have the authority temporarily to suspend
 17 without hearing the license of any licensee in any of the following cir-
 18 cumstances:

19 a. The licensee fails to maintain proof of financial responsibility, or
 20 the surety on the licensee's bond loses its authorization to issue bonds
 21 in this state, or the trustee of a trust fund loses its authorization to en-
 22 gage in the business of a fiduciary.

23 b. Claims are filed with the secretary against the bond or trust in an
 24 aggregate amount equal to ten percent or more of the amount of the
 25 bond.

26 A temporary suspension shall be effective on the date of issuance of
 27 the order of suspension, and until a revocation hearing has been held
 28 and the secretary either has entered an order of revocation of the li-
 29 cense, or has terminated the order of suspension.

1 SEC. 11. Chapter one hundred seventy-two A (172A), Code 1975, is
 2 amended by adding the following new section:

3 **172A.12 NEW SECTION. Revocation of license.**

4 1. The secretary shall have the authority to revoke the license of a
 5 dealer or broker or agent upon notice and hearing if any of the follow-
 6 ing conditions exist:

7 a. Grounds exist for the temporary suspension of the license without
 8 hearing, and it is established that the person is or will be unable to
 9 meet obligations to producers of livestock when due.

10 b. The person has refused access to the secretary to the books and
 11 records of the person as required by this chapter.

12 c. Any other conditions exist which in the opinion of the secretary
 13 reasonably establish that it would be financially detrimental to live-
 14 stock producers of this state to permit the person to engage in licensed
 15 activities in this state.

*See also §172A.9 of the Code

16 An order of revocation shall be effective upon the issuance of the or-
 17 der of revocation, and until the order is rescinded by the secretary, or
 18 until the decision of the secretary is reversed by a final order of a court
 19 of this state.

1 SEC. 12. Chapter one hundred seventy-two A (172A), Code 1975, is
 2 amended by adding the following new section:

3 **172A.13 NEW SECTION. Rules.** The secretary is authorized to
 4 adopt rules pursuant to chapter seventeen A (17A) of the Code which
 5 are reasonable and necessary for the enforcement of this Act.

1 SEC. 13. This Act shall take effect on July 1, 1975. A person having
 2 a license in effect on June 30, 1975, shall have until September 1, 1975
 3 in which to submit application for license and proof of financial re-
 4 sponsibility as required by this Act. A license in effect on June 30,
 5 1975, shall continue to be in effect until September 1, 1975, unless
 6 sooner revoked, suspended or surrendered by the licensee, and a licen-
 7 see shall comply with all of the provisions of this Act, except as provid-
 8 ed in this section.

Approved June 16, 1975

CHAPTER 132

LIVESTOCK TRANSPORTATION

H. F. 185

AN ACT relating to the transporting of livestock, and providing penalties.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
 2 less the context otherwise requires:

3 1. "Livestock" means and includes live cattle, swine, sheep or horses,
 4 and the carcasses of such animals whether in whole or in part.

5 2. "Law enforcement officer" means a state highway safety patrol-
 6 man, a sheriff, or other peace officer so designated by this state or by a
 7 county or municipality.

8 3. "Owner" means a person having legal title to livestock.

9 4. "Secretary" means the secretary of agriculture or his designee.

10 5. "Transporting livestock" means being in custody of or operating a
 11 vehicle in this state, whether or not on a highway, in which are con-
 12 fined one or more head of livestock. Vehicle includes a truck, trailer,
 13 and other device used for the purpose of conveying objects, whether or
 14 not the device has motive power or is attached to a vehicle with motive
 15 power at the time the livestock are confined.

16 6. "Transportation certificate" means the document specified in sec-
 17 tion three (3) of this Act, and includes either the standard form pre-
 18 scribed by the secretary, or a substitute document the use of which has
 19 been authorized by the secretary.

1 SEC. 2. NEW SECTION. **Transportation certificate exhibited—**
 2 **public offense.** A person transporting livestock shall execute in the
 3 presence of a law enforcement officer, at the request of the officer, a
 4 transportation certificate. A person who fails to comply with this sec-
 5 tion commits a public offense punishable as provided in section six (6)

6 of this Act. A person who fails to execute a transportation certificate
7 upon the request of the officer fails to comply with this section even
8 though the person possesses a transportation certificate.

1 **SEC. 3. NEW SECTION. Form of certificate—substitutes.**

2 1. Duties of secretary. The secretary, pursuant to chapter seventeen
3 A (17A) of the Code, shall prescribe a standard form of the transporta-
4 tion certificate required by this Act. Where the laws of this state or of
5 the United States require the possession of another shipping document
6 by a person transporting livestock, or where the industry practice of
7 carriers requires the possession of a shipping document by a person
8 transporting livestock, and where such a document contains all of the
9 information other than signatures which is prescribed in subsection two
10 (2) of this section, upon application of a carrier the secretary by rule
11 shall authorize the use of a specific document in lieu of the standard
12 form prescribed by the secretary, but subject to any conditions the sec-
13 retary may impose. A person who is in possession of a shipping docu-
14 ment approved by the secretary shall not be required to possess the
15 standard form transportation certificate prescribed by the secretary,
16 but the person may be required by a law enforcement officer to execute
17 the standard form transportation certificate.

18 The form prescribed or authorized by the secretary shall be executed
19 in triplicate, and shall be retained as provided in section four (4) of
20 this Act.

21 The secretary shall distribute, upon request, copies of the prescribed
22 standard form to veterinarians, marketing agencies, carriers, law en-
23 forcement officers, and other persons, and may collect a fee from the
24 recipient totaling not more than the cost of printing and postage.
25 Nothing in this Act shall be construed to prohibit a person from caus-
26 ing the reproduction of the standard form, and an accurate reproduc-
27 tion of a standard current form may be used as a transportation
28 certificate for all purposes.

29 2. Contents. The transportation certificate shall contain the follow-
30 ing information:

- 31 a. The date of execution of the certificate.
- 32 b. The name and address of the owner of the livestock.
- 33 c. The name and address of the shipper if other than the owner.
- 34 d. The address of the loading point of the livestock, or the nearest
35 post office and county.
- 36 e. The date of loading of the livestock.
- 37 f. The name and address of the purchaser, consignee, or other person
38 receiving shipment.
- 39 g. The address of the destination of the livestock, or the nearest post
40 office and county.
- 41 h. The name and address of the carrier or person transporting live-
42 stock.
- 43 i. The motor vehicle operator's license number of the person trans-
44 porting livestock.
- 45 j. The vehicle license number and the state of issuance.
- 46 k. The vehicle seal number, if any.
- 47 l. The form number and state of issuance of any health certificate
48 accompanying the livestock.
- 49 m. A description of the livestock including number, breed, sex, age,
50 and brands, if any.
- 51 n. The signature of the owner or shipper, or the signature of the per-
52 son transporting livestock, or the signatures of either the owner or ship-
53 per and the person transporting livestock.

1 **SEC. 4. NEW SECTION. Execution and retention of records.**

2 1. Shipper. A person who causes the transporting of livestock shall
3 cause to be executed and to be delivered to the person transporting
4 livestock, at the request of that person, duplicate copies of a transpor-
5 tation certificate.

6 2. Transporter. A person transporting livestock who has been given a
7 receipt by a law enforcement officer shall retain that receipt until the
8 person relinquishes custody of the livestock.

9 3. Law enforcement officer. A law enforcement officer, upon re-
10 questing and receiving a transportation certificate, shall retain a copy
11 of the certificate and shall submit the certificate to the law enforce-
12 ment agency by which he is employed. The officer shall give to the
13 person transporting livestock, in a form prescribed by the commissioner
14 of public safety or his designee, a receipt for the certificate given to
15 the officer. However, a law enforcement officer shall not retain a copy
16 of the certificate if the person transporting livestock has a receipt is-
17 sued by another law enforcement officer.

18 The commissioner of public safety may authorize the use of any
19 method of giving receipt, including endorsement by the officer on the
20 certificate retained by the person transporting livestock. The receipt
21 shall make the law enforcement officer issuing the receipt identifiable
22 by other law enforcement officers.

1 **SEC. 5. NEW SECTION. Authority of law enforcement officers.**

2 1. Investigation. A law enforcement officer may stop and detain a
3 person, whether on or off a highway, who is transporting livestock for
4 the purpose of obtaining compliance with section two (2) of this Act,
5 and the officer may request the presentation or execution of a trans-
6 portation certificate. The officer may examine the livestock for identi-
7 fication, the vehicle for the purpose of obtaining the vehicle
8 registration number, and the registration of the vehicle and the opera-
9 tor's license of the driver or person detained: However, nothing in this
10 Act shall be construed to authorize any law enforcement officer to open
11 or require the opening of the cargo compartment of any vehicle manu-
12 factured for use in carrying refrigerated cargo when both the cargo is
13 actually under refrigeration at the time the vehicle is detained by the
14 law enforcement officer, and the person operating the vehicle has in
15 possession when stopped a valid transportation certificate or approved
16 shipping document which was executed by the shipper and when identi-
17 fies the cargo as processed livestock and otherwise complies with sub-
18 section two (2) of section three (3) of this Act.

19 2. Execution of certificate. If the person transporting livestock does
20 not possess a completed transportation certificate, or if in the opinion
21 of the officer the form possessed is improper, the officer may provide
22 the person with a blank standard form, and may request that the per-
23 son execute the form, including the person's signature. The person
24 shall be permitted to view any documents in his possession for the pur-
25 pose of completing the form. Except as provided in section four (4) of
26 this Act, the officer shall retain a copy of the certificate and shall give
27 the person a receipt for that certificate.

28 3. Detention. A law enforcement officer may detain a person trans-
29 porting livestock for a reasonable period of time not to exceed thirty
30 minutes for the purpose of verifying any information obtained by the
31 officer.

32 4. Arrest. A detention for the purposes of subsections one (1), two
33 (2), and three (3) of this section shall not constitute an arrest. If the
34 law enforcement officer has probable cause to believe that the person

35 transporting livestock has committed a public offense, the officer may
 36 place the person under arrest. The officer may require the person to
 37 move the vehicle to a place determined by the officer, or the officer
 38 may make other provisions for the vehicle and the livestock, as the of-
 39 ficer shall determine. If the owner of the livestock is not available, the
 40 officer is authorized to incur reasonable expense for the care of the
 41 livestock which expense shall be charged to and paid by the owner of
 42 the livestock.

1 **SEC. 6. NEW SECTION. Offenses and penalties.**

2 1. A person who is convicted of violating section two (2) of this Act
 3 may be sentenced to a fine not to exceed one hundred dollars, or to
 4 imprisonment in the county jail for a period not to exceed thirty days,
 5 or both the fine and imprisonment.

6 2. A person who makes or utters a transportation certificate with
 7 knowledge that some or all of the information contained in the certifi-
 8 cate is false, or a person who alters, forges, or counterfeits a transporta-
 9 tion certificate, or the receipt prescribed in section four (4) of this Act,
 10 commits a public offense and upon conviction may be sentenced to a
 11 term in the state penitentiary not to exceed ten years, to a fine not to
 12 exceed five thousand dollars, or to both the fine and imprisonment.

1 **SEC. 7.** The code editor is directed to codify sections one (1)
 2 through six (6) of this Act as a new chapter one hundred eighty-eight A
 3 (188A).

1 **SEC. 8.** This Act shall take effect on January 1, 1976.

Approved July 11, 1975

CHAPTER 133
 LIVESTOCK FEEDLOTS
 H. F. 215

AN ACT prohibiting any processor or limited partnership with certain exceptions from own-
 ing, controlling or operating a feedlot in Iowa, providing for divestment of prohibited op-
 erations, providing a moratorium on acquisition of agricultural land by certain
 corporations, requiring reports from corporations, limited partnerships, fiduciaries, nonresi-
 dent aliens and nonresident alien corporations, and providing penalties.

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

1 **SECTION 1. NEW SECTION. Definitions.** For the purposes of this
 2 Act:

3 1. "Corporation" means a domestic or foreign corporation as defined
 4 in chapters four hundred ninety-one (491), four hundred ninety-six A
 5 (496A), four hundred ninety-seven (497), four hundred ninety-eight
 6 (498), four hundred ninety-nine (499), five hundred four (504) and five
 7 hundred four A (504A) of the Code which owns or leases agricultural
 8 land or is engaged in farming.

9 2. "Limited partnership" means a partnership as defined in chapter
 10 five hundred forty-five (545) of the Code which owns or leases agricul-
 11 tural land or is engaged in farming.

12 3. "Processor" means a person, firm, corporation, or limited partner-
 13 ship, which alone or in conjunction with others, directly or indirectly
 14 controls the manufacturing, processing or preparation for sale of beef
 15 or pork products having a total annual wholesale value of ten million
 16 dollars or more. Any person, firm, corporation or limited partner with
 17 a ten percent or greater interest in another person, firm, corporation,
 18 or limited partnership involved in the manufacturing, processing or
 19 preparation for sale of beef or pork products having a total annual
 20 wholesale value of ten million dollars or more shall also be considered
 21 a processor.

22 4. "Feedlot" means a lot, yard, corral, or other area in which hogs or
 23 cattle fed for slaughter are confined. The term includes areas which are
 24 used for the raising of crops or other vegetation and upon which hogs
 25 or cattle fed for slaughter are allowed to graze or feed.

26 5. "Agricultural land" means land suitable for use in farming.

27 6. "Farming" means the cultivation of land for the production of ag-
 28 ricultural crops, the raising of poultry, the production of eggs, the pro-
 29 duction of milk, the production of fruit or other horticultural crops,
 30 grazing or the production of livestock. Farming shall not include the
 31 production of timber, forest products, nursery products, or sod, and
 32 farming shall not include a contract where a processor or distributor of
 33 farm products or supplies provides spraying, harvesting or other farm
 34 services.

35 7. "Fiduciary capacity" means an undertaking to act alone or joint-
 36 ly as trustee, executor, administrator, personal representative, agent,
 37 guardian, conservator, receiver, escrow agent, attorney-in-fact, and any
 38 other similar capacity.

39 8. "Family farm corporation" means a corporation:

40 a. Founded for the purpose of farming and the ownership of agricul-
 41 tural land in which the majority of the voting stock is held by and the
 42 majority of the stockholders are persons related to each other as
 43 spouse, parent, grandparent, lineal ascendants of grandparents or their
 44 spouses and other lineal descendants of the grandparents or their
 45 spouses, or persons acting in a fiduciary capacity for persons so related;

46 b. All of its stockholders are natural persons or persons acting in a fi-
 47 duciary capacity for the benefit of natural persons; and

48 c. Sixty percent of the gross revenues of the corporation over the last
 49 consecutive three-year period comes from farming.

50 9. "Authorized farm corporation" means a corporation other than a
 51 family farm corporation founded for the purpose of farming and the
 52 ownership of agricultural land in which:

53 a. The stockholders do not exceed twenty-five in number; and

54 b. The stockholders are all natural persons or persons acting in a fi-
 55 duciary capacity for the benefit of natural persons or nonprofit corpo-
 56 rations.

1 SEC. 2. NEW SECTION. **Prohibited operations.** In order to pre-
 2 serve free and private enterprise, prevent monopoly, and protect con-
 3 sumers, it is unlawful for any processor of beef or pork or limited
 4 partnership in which a processor holds partnership shares as a general
 5 partner or partnership shares as a limited partner, to own, control, or
 6 operate a feedlot in Iowa in which hogs or cattle are fed for slaughter.
 7 However, this section shall not preclude a processor or limited partner-
 8 ship from contracting for the purchase or feeding of hogs or cattle, pro-
 9 vided that where the contract sets a date for delivery which is more
 10 than twenty days after the making of the contract it shall:

11 1. Specify a calendar day for delivery of the livestock; or
 12 2. Specify the month for the delivery, and shall allow the farmer to
 13 set the week for the delivery within such month and the processor or
 14 limited partnership to set the date for delivery within such week. This
 15 section shall not prevent processors or educational institutions from
 16 carrying on legitimate research, educational, or demonstration activi-
 17 ties, nor shall it prevent processors from owning and operating facili-
 18 ties to provide normal care and feeding of animals for a period not to
 19 exceed ten days immediately prior to slaughter, or for a longer period
 20 in an emergency. Any processor or limited partnership which owns,
 21 controls, or operates a feedlot on the effective date of this Act shall
 22 have until July 1, 1985 to dispose of the property.

1 SEC. 3. NEW SECTION. **Penalties for prohibited operation-in-**
 2 **junction relief.** Any processor violating the provisions of section two
 3 (2) of this Act shall, upon conviction, be punished by a fine of not
 4 more than fifty thousand dollars. The courts of this state may prevent
 5 and restrain violations of this Act through the issuance of an injunc-
 6 tion. The attorney general or a county attorney shall institute suits on
 7 behalf of the state to prevent and restrain violations of this Act.

1 SEC. 4. NEW SECTION. **Temporary restriction on increase of**
 2 **holdings.** For a period of one year from the effective date of this Act
 3 no corporation, other than a family farm corporation or an authorized
 4 farm corporation shall, either directly or indirectly, acquire or other-
 5 wise obtain or lease any additional agricultural land in this state.
 6 However, the restrictions provided in this section shall not apply to the
 7 following:

- 8 1. A bona fide encumbrance taken for purposes of security.
- 9 2. Agricultural land acquired by a corporation for research or experi-
 10 mental purposes, if the commercial sales from such agricultural land
 11 are incidental to the research or experimental objectives of the corpora-
 12 tion, and agricultural land acquired for the purpose of testing, devel-
 13 oping or producing seeds, animals, or plants for sale or resale to
 14 farmers or for purposes incidental to those purposes.
- 15 3. Agricultural land acquired by a nonprofit corporation organized
 16 under the provisions of chapters five hundred four (504) and five
 17 hundred four A (504A) of the Code.
- 18 4. Agricultural land acquired by a corporation for immediate or po-
 19 tential use in nonfarming purposes.
- 20 5. Agricultural land acquired by a corporation by process of law in
 21 the collection of debts, or pursuant to a contract for deed executed
 22 prior to the effective* of this Act, or by any procedure for the enforce-
 23 ment of a lien or claim thereon, whether created by mortgage or other-
 24 wise.
- 25 6. A municipal corporation.
- 26 7. Agricultural land which is acquired by a trust company or bank in
 27 a fiduciary capacity for the benefit of natural persons or nonprofit cor-
 28 porations.
- 29 8. A corporation or its subsidiary organized under chapter four
 30 hundred ninety-one (491) of the Code and to which section three
 31 hundred twelve point eight (312.8) of the Code is applicable.

1 SEC. 5. NEW SECTION. **Reports by corporations.** All corpora-
 2 tions, except where the corporation is acting in a fiduciary capacity,
 3 which own or lease agricultural land in the state of Iowa, or which own
 4 or lease any land on which poultry or livestock are confined for feed-
 5 ing or other purposes for ten days or more, or which contract for keep-

*According to enrolled Act

6 ing and feeding poultry or livestock, or which contract for the growing
7 of agricultural crops, fruits or other horticultural products in the state
8 of Iowa, shall file with their annual report, on forms approved pursu-
9 ant to the provisions of chapter seventeen A (17A) of the Code and
10 supplied by the secretary of state, the following additional informa-
11 tion, unless otherwise provided:

12 1. Declaration of the type of agricultural activity engaged in by the
13 reporting corporation.

14 2. The acreage and location listed by township and county, or legal-
15 ly described urban plat of each lot or parcel of agricultural land in this
16 state owned or leased by the corporation at the end of the preceding
17 fiscal or calendar year.

18 3. The approximate number and kind of poultry or livestock owned,
19 contracted for, fed or kept by the corporation during the preceding cal-
20 endar or fiscal year.

21 4. The approximate number of acres used for each agricultural crop,
22 fruit or other horticultural product grown or contracted for during the
23 preceding calendar or fiscal year.

24 5. The number of acres owned and operated by the corporation, the
25 number of acres leased by the corporation, and the number of acres
26 leased to the corporation. If a livestock or crop-share lease, the corpo-
27 ration shall disclose the share of the livestock or the crop to which the
28 corporation is entitled under the lease.

29 6. In the case of a corporation holding agricultural land for immedi-
30 ate or potential use in nonfarming purposes, a statement specifying for
31 what purpose such land is being held.

32 7. The names and addresses of, and the number of shares of stock by
33 class held by, all shareholders owning ten percent or more of any class
34 of stock of the corporation.

35 8. The name, address, residence, citizenship of, and number of
36 shares of each class held by any nonresident alien shareholder holding
37 five percent or more of any class of stock of the corporation.

38 9. Whether the corporation is a family farm corporation as defined
39 in section one (1) of this Act. If a family farm corporation, the number
40 of shares held by persons residing on or actively engaged in farming.

41 10. Whether the corporation is an authorized farm corporation as de-
42 fined in section one (1) of this Act. If an authorized farm corporation,
43 the number of shares held by persons residing on or actively engaged
44 in farming.

45 This section shall not apply to land held for the purpose of railroad
46 or highway rights-of-way, nor shall it apply to lots within city limits
47 which are smaller than twenty acres.

48 The annual report from any corporation owning agricultural land in
49 Iowa used for research, testing or experimental purposes or held for the
50 potential expansion of its physical facilities shall include only the in-
51 formation required by subsections one (1) through six (6) of this section.

52 Corporations organized under chapter five hundred four (504) of the
53 Code, shall file only the additional report required by this section.

1 **SEC. 6. NEW SECTION. Reporting by limited partnerships.**

2 Each limited partnership owning or leasing agricultural land or en-
3 gaged in farming shall file with the secretary of state on or before
4 March thirty-first of each year on forms approved pursuant to the pro-
5 visions of chapter seventeen A (17A) of the Code and supplied by the
6 secretary of state an annual report setting forth the following:

7 1. The name of the limited partnership, and the term for which the
8 partnership is to exist.

9 2. Declaration of the type of agricultural activity engaged in by the
10 reporting limited partnership.

11 3. The acreage and location listed by township and county, or legal-
12 ly described urban plat, of each lot or parcel of agricultural land in
13 this state owned or leased by the limited partnership at the end of the
14 preceding calendar or fiscal year.

15 4. The approximate number and kind of poultry or livestock owned,
16 contracted for, fed or kept by the limited partnership during the pre-
17 ceding calendar or fiscal year.

18 5. The approximate number of acres used for each agricultural crop,
19 fruit or other horticultural product grown or contracted for during the
20 preceding calendar or fiscal year.

21 6. The number of acres owned and operated by the limited partner-
22 ship, the number of acres leased by the limited partnership, and the
23 number of acres leased to the limited partnership. If a livestock or
24 crop-share lease, the limited partnership shall disclose the share of the
25 livestock or the crop to which the limited partnership is entitled under
26 the lease.

27 7. The name and place of residence and principal occupation of each
28 member of the limited partnership, general and limited partners being
29 respectively designated and, if a nonresident alien partner, his or her
30 citizenship.

31 8. The amount of cash and a description of and the agreed value of
32 the other property contributed by each limited partner.

33 9. The share of the profits or the other compensation by way of in-
34 come which each limited partner shall receive by reason of the limited
35 partner's contribution.

36 10. The amount of cash and a description of and the agreed value of
37 the other property contributed by each limited partner during the pre-
38 ceding fiscal or calendar year.

1 SEC. 7. Chapter five hundred sixty-seven (567), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Reports by nonresident aliens.** Every nonresident
4 alien, owning or leasing agricultural land, or engaged in farming out-
5 side the corporate limits of any city of this state, shall file with the sec-
6 retary of state on forms approved pursuant to chapter seventeen A
7 (17A) of the Code or before March thirty-first of each year, a report
8 containing the following:

9 1. The nonresident alien's name, address, residence and citizenship.

10 2. A declaration of the type of agricultural activity engaged in by
11 the reporting nonresident alien.

12 3. The acreage and location of agricultural land owned outside cor-
13 porate limits of any city of this state listed by township and county at
14 the end of the preceding calendar or fiscal year.

15 4. The approximate number and kind of livestock or poultry owned,
16 contracted for, fed or kept and the approximate number of acres used
17 for each agricultural crop, fruit or other horticultural product grown or
18 contracted for during the preceding calendar or fiscal year.

19 5. The number of acres owned and operated by the nonresident
20 alien, the number of acres leased by the nonresident alien, and the
21 number of acres leased to the nonresident alien. If a livestock or crop-
22 share lease, the nonresident alien shall disclose the share of the live-
23 stock or the crop to which the nonresident alien is entitled under the
24 lease. The nonresident shall also disclose whether such nonresident
25 alien is represented in Iowa by an agent or other representative and, if

26 so represented, the name of the individual or firm acting in such ca-
27 pacity.

1 SEC. 8. NEW SECTION. **Reports by fiduciaries.** Every person act-
2 ing in a fiduciary capacity on behalf of any corporation, limited part-
3 nership, or nonresident alien individual, who holds agricultural land in
4 this state outside the corporate limits of any city, shall file with the
5 secretary of state on or before January thirty-first of each year a report
6 as follows:

7 1. If acting in a fiduciary capacity for a corporation:

8 a. The name and address of the corporation.

9 b. The name and address of the corporation's registered agent or
10 agents, if any, in this state.

11 c. The acreage and location of the land owned in such fiduciary ca-
12 pacity listed by township and county on December thirty-first of the
13 year reported.

14 2. If acting in a fiduciary capacity for a limited partnership:

15 a. The name and address of the partnership.

16 b. The name and place of residence of each member, general and
17 limited partners being respectively designated.

18 c. The acreage and location of the land owned in such fiduciary ca-
19 pacity listed by township and county on December thirty-first of the
20 year reported.

21 3. If acting in a fiduciary capacity for a nonresident alien:

22 a. The name, address, residence and citizenship of the nonresident
23 alien.

24 b. The acreage and location of the land owned in such fiduciary ca-
25 pacity listed by township and county on December thirty-first of the
26 year reported.

1 SEC. 9. NEW SECTION. **Reports by beneficiaries.**

2 1. Any corporation identified as a beneficiary in a report filed with
3 the secretary of state pursuant to subsection one (1) of section eight (8)
4 of this Act shall file with the secretary of state on or before March thirty-
5 first of each year, on forms supplied by the secretary of state, a re-
6 port containing the information set forth in section five (5) of this Act,
7 with respect to land owned by a fiduciary on behalf of the corporation.

8 2. Any limited partnership identified as a beneficiary in a report
9 filed with the secretary of state pursuant to subsection two (2) of sec-
10 tion eight (8) shall file with the secretary of state on or before March
11 thirty-first of each year, on forms supplied by the secretary of state, a
12 report containing the information set forth in section six (6) of this Act,
13 with respect to land owned by a fiduciary on behalf of the limited
14 partnership.

15 3. Any nonresident alien identified as a beneficiary in a report filed
16 with the secretary of state pursuant to subsection three (3) of section
17 eight (8) shall file with the secretary of state on or before March thirty-
18 first on each year, on forms supplied by the secretary of state, a report
19 containing the information set forth in section seven (7) of this Act,
20 with respect to land owned by a fiduciary on behalf of the nonresident
21 alien.

1 SEC. 10. NEW SECTION. **Report by processors.** Any processor of
2 beef or pork in this state shall file with the secretary of state on or be-
3 fore March thirty-first of each year, a report setting forth:

4 1. The number of hogs and the number of cattle owned and fed
5 more than thirty days by the processor in Iowa during the preceding
6 calendar or fiscal year.

7 2. The total number of hogs and the total number of cattle owned
8 and fed more than thirty days by the processor during the preceding
9 calendar year.

10 3. The number of hogs and the number of cattle slaughtered in Iowa
11 by the processor during the preceding calendar or fiscal year.

12 4. The total number of hogs and the total number of cattle slaugh-
13 tered by the processor during the preceding calendar or fiscal year.

1 SEC. 11. NEW SECTION. **Signing reports.** Reports by corpora-
2 tions shall be signed by the president or other officer or authorized rep-
3 resentative. Reports by limited partnerships shall be signed by the
4 president or other authorized representative of the partnership. Re-
5 ports by individuals shall be signed by the individual or an authorized
6 representative.

1 SEC. 12. NEW SECTION. **Penalties—reports.** Willful failure to
2 file a required report, or the willful filing of false information, is a
3 public offense. A person found guilty of violating this section shall be
4 subject to a fine not to exceed one thousand (1000) dollars.

1 SEC. 13. NEW SECTION. **County assessor's report.** The county
2 assessor shall forward to the secretary of state, by October first of each
3 year, the name and address of every corporation, nonresident alien,
4 trust, or other business entity owning agricultural land in the county as
5 shown by the assessment rolls of the county.

1 SEC. 14. NEW SECTION. **County recorder's report.** The county
2 recorder shall forward to the secretary of state, by December first of
3 each year, the names and addresses of each limited partnership owning
4 agricultural land or engaged in farming in the county as shown by
5 county records.

1 SEC. 15. NEW SECTION. **Duties of secretary of state—legislative**
2 **use.** The secretary of state shall do all things necessary to implement
3 this Act. It is the intent of this section that information shall be made
4 available to members of the general assembly and appropriate commit-
5 tees of the general assembly in order to determine the extent of farm-
6 ing being carried out in this state by corporations and other business
7 entities and the effect of such farming practices upon the economy of
8 this state. The secretary of state shall assist any committee of the gen-
9 eral assembly existing or established for the purposes of studying the
10 effects of this Act and the practices this Act seeks to study and regu-
11 late.

1 SEC. 16. NEW SECTION. The secretary of state shall request addi-
2 tional information as may be necessary or appropriate to enable the
3 secretary of state to administer this Act.

Approved July 11, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 134

GASOLINE

H. F. 792

AN ACT relating to the legal specifications for gasoline volatility.

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

1 SECTION 1. Section two hundred fourteen A point two (214A.2),
2 Code 1975, is amended to read as follows:

3 **214A.2 Tests and standards.** Any motor vehicle fuel known or
4 sold as motor gasoline or sold or offered for sale as a substitute for or
5 as having the properties of motor gasoline shall conform to the follow-
6 ing tests and specifications:

7 Gasoline shall be free from water and suspended matter.

8 CORROSIVE TEST. A. S. T. M. D-130. A clean, freshly polished copper
9 strip shall not be darker than A. S. T. M. Standard 1 when submerged
10 in the gasoline for three hours at 122 degrees F.

11 DISTILLATION RANGE. A. S. T. M. D-86. When ten percent is evaporat-
12 ed, the thermometer shall not read more than 167 degrees F.

13 When fifty percent is evaporated the thermometer shall not read
14 more than 284 degrees F.

15 When ninety percent is evaporated the thermometer shall not read
16 more than 392 degrees F.

17 The end point shall not be more than 437 degrees F.

18 ~~At least ninety-five percent shall be recovered as distillate in the re-~~
19 ~~ceiver from distillation.~~

20 Residue on distillation shall not be more than two percent.

21 Sulfur A. S. T. M. D-90.

22 The sulfur shall not exceed zero point twenty-five percent.

23 VAPOR PRESSURE. ~~A. S. T. M. D-323 latest revision.~~

24 ~~The vapor pressure at 100 degrees F. shall not be more than:~~

25 ~~Fifteen pounds per square inch during the months of November,~~
26 ~~December, January and February.~~

27 ~~Twelve pounds per square inch during the months of March, April,~~
28 ~~May, September and October.~~

29 ~~Ten pounds per square inch during the months of June, July and~~
30 ~~August.~~

31 *The Reid vapor pressure shall conform to the American society for*
32 *testing and materials specification A. S. T. M. D-439-74, for volatili-*
33 *ty as outlined in paragraph 6.1.3 and tables 1 and 2 of that specifi-*
34 *cation.*

35 Octane number A. S. T. M. D-908, Research Method.

36 Octane number for regular grade gasoline shall follow the specifica-
37 tions of A. S. T. M. and not less than eighty-six.

38 Octane number for premium grade gasoline shall follow the specifica-
39 tions of A. S. T. M. and be not less than ninety-five.

1 SEC. 2. A. S. T. M. means the A. S. T. M. standards in effect on
2 July 1, 1975.

Approved June 29, 1975

CHAPTER 135

GASOLINE RECEPTACLES

H. F. 451

AN ACT relating to gasoline receptacles, repealing provisions relating to illuminating oil, and having the effect of imposing a penalty for violations.

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

1 SECTION 1. Chapter two hundred fourteen A (214A), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. **Gasoline receptacles.** A person shall not place
4 gasoline or any other petroleum product for public use having a flash
5 point below 100° Fahrenheit into any can, cask, barrel or other similar
6 receptacle having a capacity in excess of one pint unless the same is
7 painted bright red and is plainly marked with the word "gasoline" or
8 with the warning "flammable—keep fire away" in contrasting letters of
9 a height equal to at least one-tenth of the smallest dimension of such
10 container. Gasoline or other petroleum products having a flash point
11 below 100° Fahrenheit shall not be placed in bottles and plastic con-
12 tainers except those bottles and plastic containers which are approved
13 by the state fire marshal and which are conspicuously posted with such
14 approval. This section shall not apply to vehicle cargo or supply tanks
15 nor to underground storage nor to storage tanks from which such liq-
16 uids are withdrawn for manufacturing or agricultural purposes, or are
17 loaded into vehicle cargo tanks, but all outlet faucets or valves from
18 such excepted containers shall be suitably tagged to indicate the nature
19 of the product to be withdrawn from such containers.

1 SEC. 2. Chapter two hundred eight (208), Code 1975, is repealed.

Approved May 15, 1975

CHAPTER 136

SOCIAL SERVICES—SMALL CLAIMS

H. F. 176

AN ACT relating to payment of small claims by the department of social services.

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

1 SECTION 1. Chapter two hundred seventeen (217), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. The department is hereby authorized to expend mon-
4 ies from the support allocation of the department as reimbursement for
5 replacement or repair of personal items of the department's employees
6 damaged or destroyed by clients of the department during the employ-
7 ee's tour of duty. However, the reimbursement shall not exceed seven-
8 ty-five dollars for each item. The department shall establish rules in
9 accordance with chapter seventeen A (17A) of the Code to carry out the
10 purpose of this section.

Approved April 22, 1975

CHAPTER 137

IOWA VETERANS HOME

H. F. 69

AN ACT to change the name of the Iowa soldiers home and relating to eligibility requirements for admission thereto.

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

1 SECTION 1. Section two hundred nineteen point one (219.1), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **219.1 For whom maintained.** The Iowa veterans home, located
5 in Marshalltown, shall be maintained for honorably discharged veter-
6 ans and for the dependent spouses and surviving spouses of such veter-
7 ans. Eligibility requirements for admission to the Iowa soldiers home
8 shall coincide with the eligibility requirements for hospitalization in a
9 United States veterans administration facility pursuant to Title thirty-
10 eight (38), United States Code, sections two hundred ten (210) and six
11 hundred ten (610), and regulations promulgated under such provisions
12 as amended to January 1, 1975.

1 SEC. 2. Section two hundred nineteen point five (219.5), Code 1975,
2 is amended to read as follows:

3 **219.5 Surviving spouses of veterans.** If any deceased ~~soldier,~~
4 ~~sailor or marine veteran,~~ who would be entitled to admission to the
5 home if the deceased ~~soldier, sailor or marine veteran~~ were living, has
6 left a surviving spouse, such spouse shall be entitled to admission to
7 the home with the same rights, privileges and benefits as though the
8 ~~soldier, sailor or marine spouse veteran~~ were living and a member of
9 the home, provided, however, that such spouse has been married to
10 said veteran for at least one year immediately prior to the veteran's
11 death, and has reached the age of fifty years or is found by the com-
12 mandant to be totally and permanently disabled and the spouse does
13 not have sufficient means or does not possess sufficient funds for sup-
14 port and maintenance, and provided further that the surviving spouse
15 has been for the three years preceding the date of application, a resi-
16 dent of the state of Iowa, and has not married at any time since the
17 death of the veteran spouse except to a member of the home.

1 SEC. 3. Section two hundred nineteen point eight (219.8), Code
2 1975, is amended to read as follows:

3 **219.8 Qualifications of commandant.** The commandant shall be
4 a resident of the state of Iowa who ~~has an honorable discharge from~~
5 ~~the United States army, navy or marine corps is an honorably dis-~~
6 ~~charged veteran~~ and who has served in the military or naval forces of
7 the United States in any war, including the Korean conflict at any
8 time between June 27, 1950, and ~~July 27, 1953~~ *January 31, 1955*, both
9 dates inclusive, and including the Vietnam conflict at any time be-
10 tween August 5, 1964, and ~~ending on the date the armed forces of the~~
11 ~~United States are directed by formal order of the government of the~~
12 ~~United States to cease hostilities and August 15, 1973~~, both dates in-
13 clusive.

14 *For purposes of this Act, World War II shall be any time between*
15 *December 7, 1941 and December 31, 1946, both dates inclusive.*

1 SEC. 4. Section two hundred nineteen point twenty-three (219.23),
2 Code 1975, is amended to read as follows:

3 **219.23 "Soldier" includes air force.** Wherever the word "soldier
4 *veteran*" appears in this chapter, it shall include, without limitation,
5 the members of the United States air force.

1 SEC. 5. Section one hundred twenty-three point twenty-nine
2 (123.29), subsection two (2), Code 1975, is amended to read as follows:

3 2. To a ~~soldiers~~ *veterans* home, sanitarium, hospital, college, or
4 home for the aged which will entitle the holder to purchase and import
5 alcohol from distillers and wholesalers or from the state liquor stores
6 for use for medicinal, laboratory, and scientific purposes only.

1 SEC. 6. Section two hundred eighteen point nine (218.9), unnum-
2 bered paragraph three (3), Code 1975, is amended to read as follows:

3 The director of the division of child and family services of the de-
4 partment of social services, subject to the approval of the commissioner
5 of such department shall appoint the superintendents of ~~The Iowa An-~~
6 ~~nie Wittenmyer Home~~, the juvenile home, the training school for boys,
7 the training school for girls and the commandant of the ~~soldiers veter-~~
8 *ans* home.

Approved May 15, 1975

CHAPTER 138

IOWA HOUSING FINANCE AUTHORITY

H. F. 823

AN ACT establishing the Iowa housing finance authority, prescribing its powers and duties, providing for related tax and other exemptions and appropriations, and providing coordinating amendments related to implementation of the authority's programs.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
2 less the context otherwise requires:

3 1. "Authority" means the Iowa housing finance authority estab-
4 lished in section two (2) of this Act.

5 2. "Low or moderate income families" means families who cannot
6 afford to pay enough to cause private enterprise in their locality to
7 build an adequate supply of decent, safe, and sanitary dwellings for
8 their use, and includes, but is not limited to, elderly families, families
9 in which one or more persons are handicapped or disabled, lower in-
10 come families and very low-income families.

11 3. "Lower income families" means families whose incomes do not ex-
12 ceed eighty percent of the median income for the area with adjust-
13 ments for the size of the family or other adjustments necessary due to
14 unusual prevailing conditions in the area, and includes, but is not lim-
15 ited to, very low-income families.

16 4. "Very low-income families" means families whose incomes do not
17 exceed fifty percent of the median income for the area, with adjust-
18 ments for the size of the family or other adjustments necessary due to
19 unusual prevailing conditions in the area.

20 5. "Elderly families" means families of low or moderate income
21 where the head of the household or his or her spouse is at least sixty-
22 two years of age or older, or the surviving member of any such tenant
23 family.

24 6. a. "Families" includes but is not limited to families consisting of
25 a single person in the case of a person who is at least sixty-two years of

26 age, is disabled, is handicapped, is displaced, or is the remaining mem-
27 ber of a tenant family.

28 b. "Families" includes but is not limited to two or more persons liv-
29 ing together who are at least sixty-two years of age, are disabled, or
30 are handicapped, or one or more such individuals living with another
31 person who is essential to such individual's care or well-being.

32 7. "Disabled" means unable to engage in any substantial gainful ac-
33 tivity by reason of a medically determinable physical or mental im-
34 pairment.

35 8. "Handicapped" means having a physical or mental impairment
36 which is expected to be of long-continued and indefinite duration, sub-
37 stantially impedes the ability to live independently, and is of a nature
38 that the ability to live independently could be improved by more suit-
39 able housing conditions.

40 9. "Displaced" means displaced by governmental action, or by hav-
41 ing one's dwelling extensively damaged or destroyed as a result of a
42 disaster.

43 10. "Income" means income from all sources of each member of the
44 household, with appropriate exceptions and exemptions reasonably re-
45 lated to an equitable determination of the family's available income,
46 as established by rule of the authority.

47 11. a. "Housing" means single-family and multi-family dwellings,
48 and facilities incidental or appurtenant to the dwellings, and includes
49 noninstitutional residential care facilities.

50 b. "Adequate housing" means housing which meets minimum struc-
51 tural, heating, lighting, ventilation, sanitary, occupancy and mainte-
52 nance standards compatible with applicable building and housing
53 codes, as determined under rules of the authority.

54 12. "Noninstitutional residential care facility" means any facility
55 providing for a period exceeding twenty-four consecutive hours accom-
56 modation, board, personal assistance and other essential daily living
57 activities to three or more individuals, not related to the administrator
58 or owner thereof within the third degree of consanguinity, who by rea-
59 son of age, illness, disease, or physical or mental infirmity are unable
60 to sufficiently or properly care for themselves but who do not require
61 the services of a registered or licensed practical nurse except on an
62 emergency basis.

63 13. "Mortgage" means a mortgage, mortgage deed, deed of trust, or
64 other instrument creating a first lien, subject only to title exceptions
65 acceptable to the authority, on a fee interest in real property which in-
66 cludes completed housing located within this state, or on a leasehold
67 on such a fee interest which has a remaining term at the time of com-
68 putation that exceeds by not less than ten years the maturity date of
69 the mortgage loan.

70 14. "Mortgage lender" means any bank, trust company, mortgage
71 company, national banking association, savings and loan association,
72 life insurance company, any governmental agency, or any other finan-
73 cial institution authorized to make mortgage loans in this state.

74 15. "Mortgage loan" means a financial obligation secured by a mort-
75 gage.

76 16. "Bond" means a bond issued by the authority pursuant to sec-
77 tions twenty-six (26) through thirty (30) of this Act.

78 17. "Note" means a bond anticipation note or a housing develop-
79 ment fund note issued by the authority pursuant to this Act.

80 18. "State agency" means any board, commission, department, pub-
81 lic officer, or other agency of the state of Iowa.

82 19. "Housing program" means any work or undertaking of new con-
 83 struction or rehabilitation of one or more housing units, or the acqui-
 84 sition of existing residential structures, for the provision of housing,
 85 which is financed pursuant to the provisions of this Act for the primary
 86 purpose of providing housing for low or moderate income families. A
 87 housing program may include housing for other economic groups as
 88 part of an overall plan to develop new or rehabilitated communities or
 89 neighborhoods, where housing low or moderate income families is a
 90 primary goal. A housing program may include any buildings, land,
 91 equipment, facilities, or other real or personal property which is neces-
 92 sary or convenient in connection with the provision of housing, includ-
 93 ing, but not limited to, streets, sewers, utilities, parks, site preparation,
 94 landscaping, and other nonhousing facilities, such as administrative,
 95 community, health, recreational, educational, and commercial facili-
 96 ties, as the authority determines to be necessary or convenient in rela-
 97 tion to the purposes of this Act.

98 20. "Housing sponsor" means any individual, joint venture, partner-
 99 ship, limited partnership, trust, corporation, housing cooperative, local
 100 public entity, governmental unit, or other legal entity, or any combi-
 101 nation thereof, approved by the authority or pursuant to standards
 102 adopted by the authority as qualified to either own, construct, acquire,
 103 rehabilitate, operate, manage, or maintain a housing program, whether
 104 for profit, nonprofit, or limited profit, subject to the regulatory powers
 105 of the authority and other terms and conditions set forth in this Act.
 106 "Housing sponsor" does not include a low or moderate income family
 107 which is eligible to own or occupy a housing unit.

108 21. "Dilapidated" means decayed, deteriorated or fallen into partial
 109 disuse through neglect or misuse.

110 The authority shall establish by rule further definitions applicable to
 111 this Act, and clarification of the definitions in this section, as neces-
 112 sary to assure eligibility for funds available under federal housing
 113 laws.

1 SEC. 2. NEW SECTION. **Establishment of authority.**

2 1. The Iowa housing finance authority is established, and constitut-
 3 ed a public instrumentality and agency of the state exercising public
 4 and essential governmental functions, established to undertake pro-
 5 grams which assist in attainment of adequate housing for low or mod-
 6 erate income families, elderly families, families which include one or
 7 more persons who are handicapped or disabled, and the Iowa home-
 8 steading program. The powers of the authority shall be vested in and
 9 exercised by a board of nine members appointed by the governor with
 10 the approval of two-thirds of the members of the senate. No more than
 11 five members shall belong to the same political party. Any individual
 12 or organization may submit the names of nominees for membership to
 13 the governor in writing within thirty days of the effective date of this
 14 section, but the governor is not bound to select the members from the
 15 nominees submitted. As far as possible the governor shall include with-
 16 in the membership persons determined by him to represent the follow-
 17 ing interests:

- 18 a. Community and housing development industries.
- 19 b. Housing finance industries.
- 20 c. Real estate sales industry.
- 21 d. Elderly families.
- 22 e. Minorities.
- 23 f. Lower income families.
- 24 g. Very low-income families.
- 25 h. Handicapped and disabled families.
- 26 i. Average taxpayer.

27 2. Members of the authority shall be appointed by the governor for
28 a term of six years, except that, of the first appointments, three mem-
29 bers shall be appointed for a term of two years, and three members
30 shall be appointed for a term of four years. A person appointed to fill
31 a vacancy shall serve only for the unexpired portion of the term. A
32 member is eligible for reappointment. A member of the authority may
33 be removed from office by the governor for misfeasance, malfeasance
34 or willful neglect of duty or other just cause, after notice and hearing,
35 unless the notice and hearing is expressly waived in writing.

36 3. Six members of the authority constitute a quorum and the af-
37 firmative vote of at least five members is necessary for any substantive
38 action taken by the authority. A vacancy in the membership does not
39 impair the right of a quorum to exercise all rights and perform all du-
40 ties of the authority.

41 4. Members of the authority are entitled to receive forty dollars per
42 diem for each day spent in performance of duties as members, and
43 shall be reimbursed for all actual and necessary expenses incurred in
44 the performance of duties as members.

45 5. Members of the authority and the executive director shall give
46 bond as required for public officers in chapter sixty-four (64) of the
47 Code.

48 6. Meetings of the authority shall be held at the call of the chairman
49 or whenever two members so request.

50 7. Members shall elect a chairman and vice chairman annually, and
51 other officers as they determine, but the executive director shall serve
52 as secretary to the authority.

1 SEC. 3. NEW SECTION. **Legislative findings.** The general assem-
2 bly finds and declares as follows:

3 1. The establishment of the authority is in all respects for the bene-
4 fit of the people of the state of Iowa, for the improvement of their
5 health and welfare, and for the promotion of the economy, which are
6 public purposes.

7 2. The authority will be performing an essential governmental func-
8 tion in the exercise of the powers and duties conferred upon it by this
9 Act.

10 3. There exists a serious shortage of safe and sanitary residential
11 housing available to low or moderate income families.

12 4. This shortage is conducive to disease, crime, environmental de-
13 cline and poverty and impairs the economic value of large areas, which
14 are characterized by depreciated values, impaired investments, and re-
15 duced capacity to pay taxes and are a menace to the health, safety,
16 morals and welfare of the citizens of the state.

17 5. These conditions result in a loss in population and further deterio-
18 ration, accompanied by added costs to communities for creation of
19 new public facilities and services elsewhere.

20 6. One major cause of this condition has been recurrent shortages of
21 funds in private channels.

22 7. These shortages have contributed to reductions in construction of
23 new residential units, and have made the sale and purchase of existing
24 residential units a virtual impossibility in many parts of the state.

25 8. The ordinary operations of private enterprise have not in the past
26 corrected these conditions.

27 9. A stable supply of adequate funds for residential financing is re-
28 quired to encourage new housing and the rehabilitation of existing
29 housing in an orderly and sustained manner and to reduce the prob-
30 lems described in this section.

31 10. It is necessary to create a state housing finance authority to en-
 32 courage the investment of private capital and stimulate the construc-
 33 tion and rehabilitation of adequate housing through the use of public
 34 financing.

35 11. All of the purposes stated in this section are public purposes and
 36 uses for which public moneys may be borrowed, expended, advanced,
 37 loaned or granted.

1 SEC. 4. NEW SECTION. **Guiding principles.** In the performance
 2 of its duties and implementation of its powers, and in the selection of
 3 specific programs and projects to receive its assistance, the authority
 4 shall be guided by the following principles:

5 1. The authority shall not become an owner of real property, except
 6 on a temporary basis where necessary in order to implement its pro-
 7 grams, protect its investments by means of foreclosure or other means,
 8 or to facilitate transfer of real property for the use of low or moderate
 9 income families.

10 2. The authority shall function in cooperation with local government-
 11 tal units and local or regional housing agencies, and in fulfillment of
 12 local or regional housing plans, and to that end shall provide technical
 13 assistance to local governmental units and local or regional agencies in
 14 need of that assistance.

15 3. A local contributing effort shall be required of each project assist-
 16 ed by the authority. As used in this subsection, "project" includes one
 17 or more programs authorized under the provisions of this Act. The lo-
 18 cal contribution may be provided by local governmental units or by lo-
 19 cal or regional agencies, public or private. Unless otherwise specified in
 20 this Act, the percentage and type of local contribution shall be deter-
 21 mined by the authority, and may include, but should not be limited to,
 22 cash match, land contribution, tax abatement, or ancillary faciliti-
 23 ties. The authority shall encourage ingenuity and creativity in local ef-
 24 fort.

25 4. The authority shall encourage units of local government and local
 26 and regional housing agencies to use federal revenue-sharing funds for
 27 programs which increase or improve the supply of adequate housing for
 28 low or moderate income families.

29 5. The authority shall encourage cooperative housing efforts at the
 30 local level, both with respect to the cooperation of public bodies with
 31 private enterprise and civic groups, and with respect to the formation
 32 of regional or multi-city units engaged in housing.

33 6. Wherever practicable, the authority shall give preference to the
 34 following types of programs:

35 a. Those which treat housing problems in the context of the total
 36 needs of individuals and communities, recognizing that individuals
 37 may have other problems and needs closely related to their need for
 38 adequate housing, and that the development of isolated housing units
 39 without regard for neighborhood and community development tends to
 40 create undesirable consequences.

41 b. Those which promote home ownership by families of low or mod-
 42 erate income, recognizing the need for educational counseling pro-
 43 grams in family financial management and home maintenance in order
 44 to achieve this goal.

45 c. Those which involve the rehabilitation and conservation of exist-
 46 ing housing units, and the preservation of existing neighborhoods and
 47 communities.

48 d. Those designed to serve elderly families, families which include
 49 one or more persons who are handicapped or disabled, lower income
 50 families or very low-income families.

51 7. The authority shall encourage the protection, restoration and re-
 52 habilitation of historic properties, and the preservation of other proper-
 53 ties of special value for architectural or esthetic reasons. As used in this
 54 subsection, "historic properties" means landmarks, landmark sites, or
 55 districts which are significant in the history, architecture, archaeology
 56 or culture of this state, its communities, or the nation.

1 SEC. 5. NEW SECTION. **General powers.** The authority has all of
 2 the general powers needed to carry out its purposes and duties, and ex-
 3 ercise its specific powers, including but not limited to the power to:
 4 1. Issue its negotiable bonds and notes as provided in sections twenty-
 5 six (26) through thirty (30) of this Act in order to finance its pro-
 6 grams.
 7 2. Sue and be sued in its own name.
 8 3. Have and alter a corporate seal.
 9 4. Make and alter bylaws for its management consistent with the
 10 provisions of this Act.
 11 5. Make and execute agreements, contracts and other instruments,
 12 with any public or private entity. All political subdivisions, public
 13 housing agencies, other public agencies and state departments and
 14 agencies may enter into contracts and otherwise cooperate with the au-
 15 thority.
 16 6. Acquire, hold, improve, mortgage, lease and dispose of real and
 17 personal property, including, but not limited to, the power to sell at
 18 public or private sale, with or without public bidding, any such prop-
 19 erty, mortgage loan, or other obligation held by it.
 20 7. Procure insurance against any loss in connection with its opera-
 21 tions and property interests.
 22 8. Fix and collect fees and charges for its services.
 23 9. Subject to any agreement with bondholders or noteholders, invest
 24 or deposit moneys of the authority in any manner determined by the
 25 authority, notwithstanding the provisions of chapters four hundred
 26 fifty-two (452), four hundred fifty-three (453) or four hundred fifty-four
 27 (454) of the Code.
 28 10. Accept appropriations, gifts, grants, loans, or other aid from
 29 public or private entities. A record of all gifts or grants, stating the
 30 type, amount and donor, shall be clearly set out in the authority's an-
 31 nual report along with the record of other receipts.
 32 11. Provide technical assistance and counseling related to the au-
 33 thority's purposes, to public and private entities.
 34 12. In cooperation with other local, state or federal governmental
 35 agencies, conduct research studies, develop estimates of unmet housing
 36 needs, and gather and compile data useful to facilitate decision mak-
 37 ing.
 38 13. Cooperate in development of, and initiate housing demonstra-
 39 tion projects.
 40 14. Contract with architects, engineers, attorneys, accountants, hous-
 41 ing construction and finance experts, and other advisors. However, the
 42 authority may enter into contracts or agreements for such services with
 43 local, state or federal governmental agencies.
 44 15. Make, alter and repeal rules consistent with the provisions of this
 45 Act, and subject to chapter seventeen A (17A) of the Code.

1 SEC. 6. NEW SECTION. **Staff.**
 2 1. The governor, with the approval of two-thirds of the members of
 3 the senate, shall appoint an executive director of the authority, who
 4 shall serve at the pleasure of the governor. The executive director shall
 5 be selected primarily for administrative ability and knowledge in the

6 field, without regard to political affiliation. The executive director
7 shall not, directly or indirectly, exert influence to induce any other of-
8 ficers or employees of the state to adopt a political view, or to favor a
9 political candidate for office.

10 2. The executive director shall advise the authority on matters relat-
11 ing to housing and housing finance, carry out all directives from the
12 authority, and hire and supervise the authority's staff pursuant to its
13 directions and under the provisions of chapter nineteen A (19A) of the
14 Code.

15 3. The executive director, as secretary of the authority, shall keep a
16 record of the proceedings of the authority and shall be custodian of all
17 books, documents and papers filed with the authority and of its minute
18 book and seal. He shall have authority to cause to be made copies of
19 all minutes and other records and documents of the authority and to
20 give certificates under the seal of the authority to the effect that such
21 copies are true copies and all persons dealing with the authority may
22 rely upon such certificates.

1 **SEC. 7. NEW SECTION. Annual report.**

2 1. The authority shall submit to the governor and to the general as-
3 sembly, not later than January fifteenth each year, a complete report
4 setting forth:

5 a. Its operations and accomplishments.

6 b. Its receipts and expenditures during the fiscal year, in accordance
7 with the classifications it establishes for its operating and capital ac-
8 counts.

9 c. Its assets and liabilities at the end of its fiscal year and the status
10 of reserve, special and other funds.

11 d. A schedule of its bonds and notes outstanding at the end of its
12 fiscal year, together with a statement of the amounts redeemed and is-
13 sued during its fiscal year.

14 e. A statement of its proposed and projected activities.

15 f. Recommendations to the general assembly, as it deems necessary.

16 g. An analysis of current housing needs in the state.

17 2. The annual report shall identify performance goals of the authori-
18 ty, and clearly indicate the extent of progress during the reporting pe-
19 riod, in attaining the goals. Where possible, results shall be expressed
20 in terms of housing units.

1 **SEC. 8. NEW SECTION. Percentage requirement.** The goal of
2 the authority shall be to assure that fifty percent or more of the hous-
3 ing units provided directly or indirectly by the authority in each three-
4 year period beginning July 1, 1975, but in no case less than thirty per-
5 cent of such units, are units specially designed for and directed to el-
6 derly families, families which include one or more persons who are
7 handicapped or disabled, or very low-income families. Failure to meet
8 this goal does not invalidate any bonds, notes or other obligations of
9 the authority, but in case of noncompliance with this requirement, the
10 authority shall make a special report to the governor and to the gener-
11 al assembly as to the reasons for noncompliance, and the authority
12 shall not commit further funds for housing units which do not help
13 meet this goal, until the goal is reached, other than to complete proj-
14 ects already started.

1 **SEC. 9. NEW SECTION. Nondiscrimination and affirmative ac-**
2 **tion.**

3 1. Housing financed or otherwise assisted by the authority, directly
4 or indirectly, shall be open to all persons regardless of race, creed, col-

- 5 or, sex, national origin, age, physical or mental impairment, or reli-
6 gion except that preference may be given to elderly families, families
7 which include one or more persons who are handicapped or disabled,
8 lower income families or very low-income families.
- 9 2. The authority shall promote marketing plans to make housing
10 available to all persons without discrimination.
- 11 3. The authority shall require adoption and submission of an af-
12 firmative action program for employment by all contractors and sub-
13 contractors of housing financed or otherwise assisted by the authority.
- 14 4. The authority shall require all mortgage lenders who participate
15 in programs financed or otherwise assisted by it to agree that they will
16 not designate certain areas as unsuitable for the making of mortgage
17 loans because of the prevailing income, racial, ethnic or other charac-
18 teristics of the inhabitants of the area. This subsection is intended to
19 prohibit all mortgage lenders who participate in authority programs
20 from engaging in the practice commonly known as "red-lining".
- 21 5. The authority may require mortgage lenders who participate in
22 programs financed or otherwise assisted by the authority to take af-
23 firmative action to make mortgage loans in areas with a higher than
24 average concentration of lower-income families or members of racial or
25 ethnic minorities.

1 **SEC. 10. NEW SECTION. Surplus moneys.** All moneys declared
2 by the authority to be surplus moneys which are not required to service
3 bonds and notes issued by the authority, to pay administrative expen-
4 ses of the authority, or to accumulate necessary operating or loss re-
5 serves, shall be used by the authority to provide grants, subsidies, and
6 services to lower income families and very low-income families through
7 any of the programs authorized in this Act.

1 **SEC. 11. NEW SECTION. Combination programs.** Any programs
2 authorized in this Act may be combined with any other programs au-
3 thorized in this Act in order to facilitate as far as practicable the provi-
4 sion of adequate housing to low and moderate income families.

1 **SEC. 12. NEW SECTION. Mortgage loans.**

- 2 1. The authority may make mortgage loans, including but not limit-
3 ed to mortgage loans insured, guaranteed, or otherwise secured by the
4 federal government or by private mortgage insurers, to housing spon-
5 sors to provide long-term financing for the purchase, or rehabilitation
6 of adequate housing for low or moderate income families, elderly fami-
7 lies, families which include one or more persons who are handicapped
8 or disabled, and noninstitutional residential care facilities.
- 9 2. A mortgage loan under this section may be made only when the
10 authority determines that the housing sponsor is unable to obtain the
11 necessary financing from other sources upon terms and conditions
12 which the sponsor reasonably could be expected to fulfill.
- 13 3. The authority shall make and execute contracts with mortgage
14 lenders for the servicing of mortgage loans made under this section.
15 The authority may pay the reasonable value of services rendered pur-
16 suant to such contracts.
- 17 4. Mortgage loans shall contain terms and provisions including interest
18 rates, and be in a form as established by rules of the authority. The
19 authority shall require the housing sponsor to execute assurances and
20 guarantees reasonably related to protecting the security of the mort-
21 gage loan, as the authority deems necessary.
- 22 5. In considering an application for a mortgage loan under this sec-
23 tion, the authority shall determine that the housing will be adequate

24 and provide for the special needs of families of low or moderate in-
 25 come, elderly families, or families which include one or more persons
 26 who are handicapped or disabled, or will meet state standards for non-
 27 institutional residential care facilities, and shall also give consideration
 28 to:

29 a. The comparative need for housing or noninstitutional residential
 30 care facilities in the area.

31 b. The ability of the applicant to operate, manage and maintain the
 32 proposed housing.

33 6. Each mortgage loan shall be subject to an agreement between the
 34 authority and the housing sponsor which will subject the housing spon-
 35 sor to limitations established by the authority as to rentals and other
 36 charges, builders' and developers' profits and fees, and dispositions of
 37 interests in the property mortgaged, including provisions to prohibit
 38 assumption of a mortgage without permission of the mortgagee.

39 7. As a condition of a mortgage loan, the authority may, upon rea-
 40 sonable notice, during construction or rehabilitation of the housing and
 41 during its operation:

42 a. Enter upon and inspect the physical condition of the premises,
 43 examine books and records of the housing sponsor, and impose fees to
 44 cover the cost of the inspections and examinations.

45 b. Require alterations or repairs as necessary to protect the security
 46 of its investment and the welfare of the occupants, and to insure that
 47 the housing is in conformity with applicable federal, state and local
 48 laws.

49 c. Require whatever action is necessary to comply with applicable
 50 federal, state and local laws, and file and prosecute a complaint or
 51 seek injunctive relief for a violation of applicable federal, state or local
 52 laws.

53 8. A mortgage loan may be prepaid to maturity after a period of
 54 years as determined by rule of the authority, if the authority deter-
 55 mines that the prepayment will not result in a material escalation of
 56 rents or fees charged to the occupants.

1 SEC. 13. NEW SECTION. **Lease-purchase agreements.** By means
 2 of its other financing programs, the authority may encourage and as-
 3 sist in the provision of housing which will be transferred to low or mod-
 4 erate income families, elderly families, and families which include one
 5 or more persons who are handicapped or disabled, pursuant to lease-
 6 purchase agreements.

7 1. A lease-purchase agreement shall include, but not be limited to
 8 the following terms:

9 a. The original lease-purchase agreement shall be for a term of one
 10 year, with option by lessee to renew on the same terms. The lease may
 11 be terminated by the lessee, upon sixty-days' written notice. The lease
 12 may be terminated by the lessor at any time for material breach of the
 13 agreement by the lessee, by service on the lessee of a notice to quit in
 14 conformance with state law.

15 The lease may otherwise be terminated by the lessor upon sixty-
 16 days' written notice for only the following causes:

17 (1) In the event of sale of the property due to insolvency of the les-
 18 sor, in which case the lessee will be given first option to purchase the
 19 property before the sale is made.

20 (2) For purposes of removing the buildings, or materially altering or
 21 improving them, to conform with local housing or building codes.

22 b. The rent shall not exceed twenty-five percent of the lessee's in-
 23 come, but the lessee shall have the option to pay additional amounts.

24 c. The lessee shall be responsible for routine maintenance of the
25 property, and for its performance shall be credited with an amount
26 equal to the budgeted amount for monthly routine maintenance in the
27 monthly housing cost. This credit may be applied by the lessee to the
28 purchase price in the event he exercises his option to purchase the
29 property.

30 d. The premises or a portion of them shall be used by the lessee as a
31 dwelling and no part may be assigned or subleased without the lessor's
32 written approval.

33 e. The agreement shall be terminated if the property suffers substan-
34 tial destruction or a substantial portion of the property is taken by
35 condemnation.

36 f. Major repairs and remodeling or reconstruction shall be under-
37 taken by the lessee only upon written approval by the lessor, and the
38 costs of major repairs and remodeling or reconstruction may be paid by
39 the lessor, or the lessee may deduct the cost including reasonable costs
40 for the lessee's labor from the rent payments, and receive full credit.

41 g. The original lease-purchase agreement shall state a monthly hous-
42 ing cost for the unit, equal to the sum of the following:

43 (1) The monthly debt service on the property.

44 (2) One-twelfth of the annual real property taxes.

45 (3) One-twelfth of the annual premium for fire and extended cover-
46 age, and casualty insurance.

47 (4) The current monthly amount budgeted for routine maintenance
48 and nonroutine maintenance reserves.

49 (5) Other monthly costs specified in the agreement.

50 2. At the time the original lease-purchase agreement is entered into,
51 the lessee and lessor shall also enter into an option to purchase agree-
52 ment, which shall include but not be limited to the following terms:

53 a. The purchase price of the property shall be the unamortized bal-
54 ance of debt on the property plus the lessor's original down payment.

55 b. The option to purchase shall state the market value of the proper-
56 ty and the lessor's purchase cost of the property, and shall state the
57 amount, term and interest rate of any mortgage loan on the property.

58 c. The lessee shall have the right to exercise his option to purchase
59 the property when all of the following conditions have been met:

60 (1) The lessee has maintained a level of rent payments equal to the
61 monthly housing cost of the property for a period of one year.

62 (2) The lessee has complied with the terms of the lease during the
63 leasing period.

64 (3) The lessee is able to meet the established purchase price through
65 a combination of earned credits toward down payment, down payment
66 grant, assumption of the lessor's mortgage, refinancing with a new
67 mortgage, or contract of sale from the lessor.

68 d. The payments required under the mortgage or contract of sale
69 shall be sufficient to pay taxes, insurance, and the stated minimum in-
70 terest, and to amortize the stated market value of the property within
71 a period of not to exceed fifty years from the date of the original
72 lease-purchase agreement.

73 e. All rent paid by the lessee, less the amount necessary to pay tax-
74 es, insurance, and interest, shall be applied to and considered as a part
75 of the down payment against the stated market value of the property.

76 f. The authority may establish other criteria reasonably related to
77 determining that a lessee is capable of handling the responsibilities of
78 home ownership before a transfer of title is made or a contract of sale
79 is entered into.

80 3. To the extent funds are available, the authority may provide
 81 down payment grants to very low-income families and lower income
 82 families who have established home ownership capability by making
 83 regular payments under a lease from their own resources for a period of
 84 not less than one year and by meeting other criteria reasonably related
 85 to determining that a lessee is capable of handling the responsibilities
 86 of home ownership, as the authority establishes by rule. In addition,
 87 the authority may provide funds to private, nonprofit organizations
 88 for the purpose of making down-payment grants to very low-income
 89 families and lower income families who are participating in lease-pur-
 90 chase programs administered by the organization which meet standards
 91 similar to the standards specified in this section, and which are accept-
 92 able to the authority.

93 4. The authority may combine the lease-purchase program with oth-
 94 er programs provided or assisted by the authority, in order to encour-
 95 age eventual home ownership by very low-income families and lower
 96 income families who are able to establish home ownership capability
 97 by showing regularity of payment and property maintenance.

1 SEC. 14. NEW SECTION. **Iowa homesteading program.**

2 1. The Iowa homesteading program is established to be under the su-
 3 pervision of the authority. The purpose of the program is to alleviate
 4 problems of slums and blighted areas, to provide for rehabilitation of
 5 dilapidated and deteriorating housing, and to make existing housing
 6 available to families, all of which are declared to be public purposes.
 7 The authority may establish homesteading projects in any part of the
 8 state, subject to the approval of the local governing body and in coop-
 9 eration with suitable local agencies, may provide financial and techni-
 10 cal assistance to housing sponsors for the establishment of
 11 homesteading projects which meet the requirements of this Act, and
 12 may coordinate and cooperate with similar local projects to provide
 13 housing.

14 2. When the authority implements its homesteading program, it
 15 shall:

16 a. Encourage private rehabilitation of abandoned or dilapidated
 17 housing through homesteading projects where normal private or gov-
 18 ernmental development or rehabilitation is economically unfeasible or
 19 has been neglected.

20 b. Locate and compile a catalog of all private, city, state and feder-
 21 ally owned abandoned or dilapidated structures appropriate for inclu-
 22 sion in homesteading projects, utilizing the aid of other local, state
 23 and federal agencies.

24 c. Publicize the homesteading program and available properties.

25 d. Employ staff persons with knowledge and experience in residen-
 26 tial housing finance, construction or rehabilitation, and in dealing with
 27 housing problems.

28 e. Establish a coordinated approach toward neighborhood improve-
 29 ment through the homesteading program and the upgrading of com-
 30 munity services and facilities.

31 3. The authority may:

32 a. Recommend legislation to provide appropriate exemptions from
 33 real property tax laws for homesteading properties.

34 b. Recommend temporary suspension or temporary or permanent
 35 modification of building and housing code requirements to the extent
 36 necessary to permit safe and economical rehabilitation of housing.

37 4. The authority shall formulate and revise as necessary rules for ap-
 38 proval of homesteading projects based upon the following require-
 39 ments, and others as needed.

- 40 a. Homesteading projects shall provide for:
- 41 (1) Approval of homesteading applicants on a first in time is first in
- 42 right basis, unless probability of success with a subsequent applicant is
- 43 substantially higher. In cases of two or more applicants for a single
- 44 property, priority may be given to a resident of the city or county
- 45 where the property is located, or to the applicant with the lowest in-
- 46 come who is otherwise qualified.
- 47 (2) Aid and assistance for applicants to apply for and receive finan-
- 48 cial and technical assistance and counseling from public or private
- 49 sources.
- 50 (3) Announced quarterly inspections of homesteads during rehabili-
- 51 tation.
- 52 (4) Payment for the reasonable value of improvements on property
- 53 returned for good faith failure to comply with the homesteading re-
- 54 quirements, less a reasonable rental value.
- 55 (5) Repossession of property upon proper notice and hearing unless
- 56 waived by the homestead applicant, for unreasonable failure to comply
- 57 with homesteading requirements.
- 58 b. Applicants for a homesteading project shall:
- 59 (1) Have reached the age of majority.
- 60 (2) Be United States citizens or registered aliens.
- 61 (3) Agree to rehabilitate the property to meet applicable building or
- 62 housing code standards within a two-year period after initial transfer
- 63 of conditional title. However, the two-year period may be extended for
- 64 reasonable cause.
- 65 (4) Agree to live in and occupy the housing for five continuous
- 66 years.
- 67 c. The housing sponsor providing the homesteading property shall
- 68 agree to:
- 69 (1) The conditional conveyance of unoccupied residential property
- 70 to the applicant with or without any substantial consideration, which
- 71 consideration may include the value of work performed by the appli-
- 72 cant in rehabilitating the property during the period of the conditional
- 73 conveyance.
- 74 (2) The revocation of the conveyance upon any material breach of
- 75 the agreement.
- 76 (3) The conveyance from the agency of fee simple title to the prop-
- 77 erty upon compliance with the agreement.
- 78 5. The authority may establish and maintain a "homesteading
- 79 fund" to be administered as follows:
- 80 a. The fund shall be used exclusively for rehabilitation loans.
- 81 b. Rehabilitation loans shall be granted exclusively to those selected
- 82 for homesteading.
- 83 c. No rehabilitation loans shall be made until a conditional convey-
- 84 ance has been issued.
- 85 d. The rehabilitation loans shall be for a maximum term of twenty
- 86 years.
- 87 e. The interest rates for rehabilitation loans shall be established by
- 88 rule of the authority and shall be as low as practicable considering cur-
- 89 rent market conditions.
- 90 f. All funds received as payment on the rehabilitation loans shall be
- 91 deposited in the homesteading fund.
- 92 g. The authority may require security for the rehabilitation loans.

1 SEC. 15. NEW SECTION. **Housing assistance for very low-income**

2 **and lower income families.**

- 3 1. The authority shall participate in the housing assistance pay-
- 4 ments program under section eight (8) of the United States Housing

5 Act of 1937, section one thousand four hundred one (1401) et seq., title
6 forty-two (42), United States Code, as amended by section two hundred
7 one (201) of the Housing and Community Development Act of 1974
8 (Public Law ninety-three dash three hundred eighty-three (93-383)).
9 The purpose of participation is to enable the authority to obtain, on
10 behalf of the state of Iowa, set-asides of contract authorization reserved
11 by the United States secretary of housing and urban development for
12 public housing agencies, to enter into annual contributions contracts,
13 to otherwise expedite use of the program through the use of state hous-
14 ing finance funds, and to encourage new construction and substantial
15 rehabilitation of housing suitable for assistance under the program. As-
16 sistance may be provided for existing housing units made available by
17 owners for the program, as well as for newly constructed housing units.
18 Maximum rents shall be established by the authority in conformity
19 with federal law.

20 2. To establish maximum eligibility for set-asides the authority
21 shall:

22 a. Develop and implement procedures which will to the fullest possi-
23 ble extent complement the allocation system of the United States de-
24 partment of housing and urban development.

25 b. Evaluate statewide and local housing needs and develop a pro-
26 gram to provide housing in areas of most critical need, within its allo-
27 cation of set-aside contract authority.

28 c. Comply with all documentation and application requirements of
29 the federal law.

30 3. The authority shall cooperate to the fullest extent possible with
31 local housing agencies for implementation of the housing assistance
32 payments program. The agency may enter into agreements with local
33 housing agencies, housing cooperatives, or other public or private enti-
34 ties for commitment of housing assistance upon completion of an ap-
35 proved proposal, and may subsequently execute with such entities
36 housing assistance payments contracts.

37 4. Permanent financing for units to be subsidized under the housing
38 assistance payments program may be provided by the authority, direct-
39 ly or indirectly, by the proceeds from the sale of bonds and notes as
40 provided in this Act, or by other moneys available to the authority, by
41 appropriations or otherwise.

42 5. The authority shall, when appropriate, take necessary steps to co-
43 operate with the United States department of agriculture in implemen-
44 tation of sections five hundred seventeen (517) and five hundred
45 twenty-one (521) of the Housing Act of 1949, sections one thousand
46 four hundred eighty-seven (1487) and one thousand four hundred nine-
47 ty a (1490a), title forty-two (42), United States Code, as amended by
48 section five hundred fourteen (514) of the Housing and Community
49 Development Act of 1974 (Public Law ninety-three dash three hundred
50 eighty-three (93-383)). The purpose of such programs is to extend to ru-
51 ral areas the provisions of housing assistance payments programs.

52 6. The authority shall, when appropriate, take necessary steps to
53 participate in the programs of federal assistance to state housing fi-
54 nance agencies for expanding the supply of housing available to low or
55 moderate income families, as provided in section eight hundred two
56 (802) of the Housing and Community Development Act of 1974 (Public
57 Law ninety-three dash three hundred eighty-three (93-383)).

58 7. The authority may participate in other programs under the Hous-
59 ing and Community Development Act of 1974 (Public Law ninety-
60 three dash three hundred eighty-three (93-383)), and in other federal
61 programs designed to increase the supply of adequate housing for low

62 or moderate income families and may recommend appropriate legisla-
 63 tion to the general assembly where further legislation is needed to ac-
 64 complish such participation. However, failure of the authority to
 65 participate in the federal programs set out in this section does not in-
 66 validate any bonds, notes or other obligations of the authority.

1 **SEC. 16. NEW SECTION. Rent supplements.**

2 1. The authority may establish and administer through local public
 3 or private agencies an eighteen month demonstration program of rent
 4 supplements designed for very low-income and lower income families,
 5 to provide for payment of a maximum of the difference between twenty-
 6 five percent of an eligible family's income and the fair market rent-
 7 al of a unit of housing, as established by the authority. Eligibility of a
 8 housing unit for participation in the demonstration rent supplement
 9 program is subject to approval by the authority based on compliance
 10 with the definition of adequate housing in this Act, and agreement by
 11 the owner to comply with authority rules pertaining to equal housing
 12 opportunity, maintenance, occupancy, and other authority policies.
 13 The authority shall, by rule, establish criteria for participation in the
 14 demonstration project, based upon the provisions of this section and
 15 section four (4) of this Act, including but not limited to the selection of
 16 target groups, determined by geographical location or special needs, to
 17 receive the benefits of the program under the demonstration project. It
 18 shall then receive applications for participation in the demonstration
 19 project from agencies or organizations described in subsection two (2) of
 20 this section, prepare a detailed plan for the total demonstration project
 21 including a statement of funding needs, and submit the plan to the
 22 general assembly with its budget request.

23 2. A governing body of a city or county, a public housing agency, or
 24 a private, nonprofit organization which provides or wishes to provide
 25 housing to lower income families, is eligible to apply for participation
 26 in the rent supplement program. Funds available for the rent supple-
 27 ment program, whether from appropriations or from other sources,
 28 shall be made available by the authority to cities, counties, public
 29 housing agencies, or private, nonprofit organizations on a one-to-one
 30 matching basis with funds supplied by the cities, counties, public hous-
 31 ing agencies, or private, nonprofit organizations that participate.

1 **SEC. 17. NEW SECTION. Emergency housing fund.** The authori-
 2 ty may establish a fund to be known as the "emergency housing fund"
 3 to be administered by the authority separate and distinct from other
 4 moneys or funds administered by the authority.

5 The emergency housing fund may be comprised of the proceeds of
 6 appropriations, grants and other contributions and the authority is au-
 7 thorized to accept contributions to the fund from any source.

8 The emergency housing fund may be used to make grants and tem-
 9 porary loans at interest rates and terms as determined by the authori-
 10 ty, for the following purposes:

11 1. To defray the local contribution requirement for housing sponsors
 12 who apply for rent supplement assistance as provided in section sixteen
 13 (16) of this Act and who, in the judgment of the authority, would not
 14 be able to provide the local contribution without undue hardship.

15 2. To defray temporary housing costs that result from displacement
 16 by natural or other disaster, if the disaster has been proclaimed by the
 17 governor.

18 3. To defray a portion of the expense required to develop and initi-
 19 ate housing which deals creatively with the housing problems of low or
 20 moderate income families, elderly families, and families which include
 21 one or more persons who are handicapped or disabled.

1 SEC. 18. NEW SECTION. **Housing assistance fund.** The authority
2 may establish a revolving fund to be known as the "housing assistance
3 fund", to be administered by the authority as a trust fund separate
4 and distinct from other moneys or funds administered by the authori-
5 ty.

6 The housing assistance fund may be comprised of the proceeds of ap-
7 propriations, grants and other contributions, earnings accruing to the
8 authority, surplus moneys transferred as provided in section ten (10) of
9 this Act, and of fund notes issued by the authority as provided in sec-
10 tion nineteen (19) of this Act, and the authority is authorized to accept
11 contributions to the fund from any source.

12 The housing assistance fund may be used to make temporary loans
13 at interest rates and terms as determined by the authority, for the fol-
14 lowing purposes:

15 1. To defray development costs for housing for low or moderate in-
16 come families provided by housing sponsors. A "development cost"
17 loan shall be repaid in full by the borrower concurrent with obtaining a
18 construction loan, unless the authority extends the period for repay-
19 ment, but the period for repayment shall not be extended beyond the
20 date of obtaining a mortgage loan on the housing. As used in this sec-
21 tion, "development costs" means the costs approved by the authority
22 as appropriate expenditures which may be incurred by builders and de-
23 velopers prior to commitment and initial advance of the proceeds of a
24 construction loan or a mortgage loan, including but not limited to:

25 a. Payments for options to purchase properties on the proposed
26 housing site, deposits on contracts of purchase, or, with approval of the
27 authority, payments for the purchasing of such properties.

28 b. Legal and organizational expenses including payment of attorney
29 fees, project manager, clerical and other staff salaries, office rent and
30 other incidental expenses.

31 c. Payment of fees for preliminary feasibility studies and advances
32 for planning, engineering and architectural work.

33 d. Expenses for tenant surveys and market analysis.

34 e. Necessary application and other fees.

35 2. To make or participate in the making of mortgage loans for reha-
36 bilitation or preservation of existing dwellings for the use of low or
37 moderate income families, elderly families or families which include
38 one or more persons who are handicapped or disabled. A rehabilitation
39 or preservation loan may be for the estimated cost of the rehabilitation
40 work to be done, for the purpose of refinancing an existing mortgage
41 loan, for the purpose of doing the rehabilitation work, or for the pur-
42 pose of acquiring housing in which rehabilitation work is to be done.
43 The rehabilitation or preservation loan shall not exceed, with all other
44 existing indebtedness of the property, the estimated market value of
45 the property as determined by the authority, after the rehabilitation or
46 preservation is completed, and the term of a loan shall not exceed the
47 estimated useful life of the property as determined by the authority,
48 after rehabilitation or preservation. The proposed rehabilitation or
49 preservation shall assure that the property will not contain any sub-
50 stantial violation of applicable housing codes. A rehabilitation or pres-
51 ervation loan under this subsection may be made only when the
52 authority determines that the proposed mortgagor is unable to obtain
53 the necessary financing from other sources upon terms and conditions
54 which the proposed mortgagor reasonably could be expected to fulfill.
55 A rehabilitation or preservation loan under this subsection may be pro-
56 vided only within an area of a city for which an authorized city agency
57 submits a satisfactory affirmative neighborhood preservation program,

58 or in other areas within or outside of cities where the authority deter-
 59 mines that rehabilitation or preservation is economically sound and a
 60 program of neighborhood preservation is inappropriate. The following
 61 criteria, along with others reasonably related to the purposes of this
 62 Act, which may be determined by the authority, shall be considered in
 63 determining whether an affirmative neighborhood preservation pro-
 64 gram is satisfactory:

65 a. The degree of blight, decay or deterioration of housing or the im-
 66 minent threat of blight, decay or deterioration of housing within the
 67 area.

68 b. The degree to which financing for repairs, remodeling or rehabili-
 69 tation of housing within the area is available.

70 c. The proportion of residential structures within the area which are
 71 owner-occupied.

72 d. The degree to which the financial resources of proposed occupants
 73 of the housing, including resources available to them under this Act or
 74 other federal, state, and local laws and programs, provide reasonable
 75 assurances of the economic feasibility of the financing of rehabilitation
 76 or preservation.

77 e. The expressed commitment of the city to provide a concentrated
 78 effort to enforce the applicable housing codes within the area.

79 f. The expressed commitment of the city to provide capital improve-
 80 ments and other city services so as to stabilize, improve and restore the
 81 neighborhood.

1 SEC. 19. NEW SECTION. **Housing assistance fund notes.** The
 2 authority may issue housing assistance fund notes, the principal and
 3 interest of which shall be payable solely from the housing assistance
 4 fund established under section eighteen (18) of this Act. The fund
 5 notes of each issue shall be dated, shall mature at such times not ex-
 6 ceeding ten years from their dates, and may be made redeemable be-
 7 fore maturity, at the option of the authority, at prices and under terms
 8 and conditions as determined by the authority. The authority shall de-
 9 termine the form and manner of execution of the fund notes, including
 10 any interest coupons to be attached thereto, and shall fix the denomi-
 11 nations and the places of payment of principal and interest, which
 12 may be any financial institution within or without the state or any
 13 agent, including the lender. If any officer whose signature or a facsimile
 14 of whose signature appears on fund notes or coupons shall cease to
 15 be that officer before the delivery of the notes or coupons, the signa-
 16 ture or facsimile shall be valid and sufficient for all purposes the same
 17 as if the officer had remained in office until delivery. The fund notes
 18 may be issued in coupon or in registered form, or both, as the authori-
 19 ty determines, and provision may be made for the registration of cou-
 20 pon fund notes as to principal alone and also as to both principal and
 21 interest, and for the conversion into coupon fund notes of any fund
 22 notes registered as to both principal and interest, and for the inter-
 23 change of registered and coupon fund notes. Fund notes shall bear in-
 24 terest at rates as determined by the authority and may be sold in a
 25 manner, either at public or private sale, and for a price as the authori-
 26 ty determines to be best to effectuate the purposes of the housing assis-
 27 tance fund. The proceeds of fund notes shall be used solely for the
 28 purposes for which issued and shall be disbursed in a manner and un-
 29 der restrictions as provided in this section and in the resolution of the
 30 authority providing for their issuance. The authority may provide for
 31 the replacement of fund notes which become mutilated or are de-
 32 stroyed or lost.

1 **SEC. 20. NEW SECTION. Loans to mortgage lenders.**

2 1. The authority may make, and contract to make, loans to mort-
3 gage lenders on terms and conditions as it determines which are reason-
4 ably related to protecting the security of the authority's investment
5 and to implementing the purposes of this Act, and subject to this sec-
6 tion, and all mortgage lenders are authorized to borrow from the au-
7 thority in accordance with the provisions of this section and the rules
8 of the authority.

9 2. The authority shall require as a condition of each loan to a mort-
10 gage lender that the mortgage lender, within a reasonable period after
11 receipt of the loan proceeds as the authority prescribes by rule, shall
12 have entered into written commitments to make, and, within a reason-
13 able period thereafter as the authority prescribes by rule, shall have
14 disbursed the loan proceeds in new mortgage loans to low or moderate
15 income families in an aggregate principal amount equal to the amount
16 of the loan. New mortgage loans shall have terms and conditions as the
17 authority prescribes by rules which are reasonably related to imple-
18 menting the purposes of this Act.

19 3. The authority shall require the submission to it by each mortgage
20 lender to which the authority has made a loan, of evidence satisfactory
21 to the authority of the making of new mortgage loans to low or moder-
22 ate income families as required by this section, and in that connection
23 may, through its members, employees or agents, inspect the books and
24 records of a mortgage lender.

25 4. Compliance by a mortgage lender with the terms of its agreement
26 with the authority with respect to the making of new mortgage loans to
27 low or moderate income families may be enforced by decree of any dis-
28 trict court of this state. The authority may require as a condition of a
29 loan to a national banking association or a federally chartered savings
30 and loan association, the consent of the association to the jurisdiction
31 of courts of this state over any such proceeding. The authority may al-
32 so require, as a condition of a loan to a mortgage lender, agreement by
33 the mortgage lender to the payment of penalties to the authority for
34 violation by the mortgage lender of its agreement with the authority,
35 and the penalties shall be recoverable at the suit of the authority.

36 5. The authority shall require that each mortgage lender receiving a
37 loan pursuant to this section shall issue and deliver to the authority an
38 evidence of its indebtedness to the authority which shall constitute a
39 general obligation of the mortgage lender and shall bear a date, ma-
40 ture at a time, be subject to prepayment, and contain other provisions
41 consistent with this section and reasonably related to protecting the se-
42 curity of the authority's investment, as the authority determines.

43 6. Notwithstanding any other provision of this section to the con-
44 trary, the interest rate and other terms of loans to mortgage lenders
45 made from the proceeds of an issue of bonds or notes of the authority
46 shall be at least sufficient to assure the payment of the bonds or notes
47 and the interest on them as they become due.

48 7. The authority shall require that loans to mortgage lenders are ad-
49 ditionally secured as to payment of both principal and interest by a
50 pledge of and lien upon collateral security by special escrow funds or
51 other forms of guarantee and in such amounts and forms as the author-
52 ity shall by resolution determine to be necessary to assure the payment
53 of the loans and the interest thereon as they become due. Collateral se-
54 curity shall consist of direct obligations of, or obligations guaranteed
55 by, the United States or one of its agencies, obligations satisfactory to
56 the authority which are issued by other federal agencies, direct obliga-
57 tions of or obligations guaranteed by a state or a political subdivision

58 of a state, or investment quality obligations approved by the authori-
59 ty.

60 8. The authority may require that collateral for loans be deposited
61 with a bank, trust company or other financial institution acceptable to
62 the authority located in this state and designated by the authority as
63 custodian. In the absence of such a requirement, each mortgage lender
64 shall enter into an agreement with the authority containing provisions
65 as the authority deems necessary to adequately identify and maintain
66 the collateral, service the collateral, and require the mortgage lender to
67 hold the collateral as an agent for the authority and be accountable to
68 the authority as the trustee of an express trust for the application and
69 disposition of the collateral and the income from it. The authority
70 may also establish additional requirements as it deems necessary with
71 respect to the pledging, assigning, setting aside, or holding of collateral
72 and the making of substitutions for it or additions to it and the dis-
73 position of income and receipts from it.

74 9. The authority may require as a condition of loans to mortgage
75 lenders, any representations and warranties it determines are necessary
76 to secure the loans and carry out the purposes of this section.

77 10. If a provision of this section is inconsistent with a provision of
78 law of this state governing mortgage lenders, the provision of this sec-
79 tion controls for the purposes of this section.

1 **SEC. 21. NEW SECTION. Purchase of mortgage loans.**

2 1. The authority may purchase, and make advance commitments to
3 purchase, mortgage loans from mortgage lenders at prices and upon
4 terms and conditions as it determines subject to this section. However,
5 the total purchase price for all mortgage loans which the authority
6 commits to purchase from a mortgage lender at any one time shall not
7 exceed the total of the unpaid principal balances of the mortgage loans
8 purchased. Mortgage lenders are authorized to sell mortgage loans to
9 the authority in accordance with the provisions of this section and the
10 rules of the authority.

11 2. The authority shall require as a condition of purchase of mort-
12 gage loans from mortgage lenders that the mortgage lenders, within a
13 reasonable period after receipt of the purchase price as the authority
14 prescribes by rule, shall enter into written commitments to loan and,
15 within a reasonable period thereafter as the authority prescribes by
16 rule, shall loan an amount equal to the entire purchase price of the
17 mortgage loans, on new mortgage loans to low or moderate income
18 families or certify that mortgage loans purchased are mortgage loans
19 made to low or moderate income families. New mortgage loans to be
20 made by mortgage lenders shall have terms and conditions as the au-
21 thority prescribes by rule. The authority may make a commitment to
22 purchase mortgage loans from mortgage lenders in advance of the time
23 such loans are made by mortgage lenders. The authority shall require
24 as a condition of such commitment that mortgage lenders certify in
25 writing that all mortgage loans represented by the commitment will be
26 made to low or moderate income families, and that other authority
27 specifications will be complied with.

28 3. The authority shall require the submission to it by each mortgage
29 lender from which the authority has purchased mortgages, of evidence
30 satisfactory to the authority of the making of new mortgage loans to
31 low or moderate income families as required by this section and in that
32 connection may, through its members, employees or agents, inspect the
33 books and records of a mortgage lender.

34 4. Compliance by a mortgage lender with the terms of its agreement
35 with the authority with respect to the making of new mortgage loans to
36 low or moderate income families may be enforced by decree of any dis-
37 trict court of this state. The authority may require as a condition of
38 purchase of mortgage loans from any national banking association or
39 federally chartered savings and loan association, the consent of the as-
40 sociation to the jurisdiction of courts of this state over any such pro-
41 ceeding. The authority may also require as a condition of the
42 authority's purchase of mortgage loans from a mortgage lender, agree-
43 ment by the mortgage lender to the payment of penalties to the au-
44 thority for violation by the mortgage lender of its agreement with the
45 authority, and the penalties shall be recoverable at the suit of the au-
46 thority.

47 5. The authority may require as a condition of purchase of a mort-
48 gage loan from a mortgage lender that the mortgage lender represent
49 and warrant to the authority that:

50 a. The unpaid principal balance of the mortgage loan and the inter-
51 est rate on it have been accurately stated to the authority.

52 b. The amount of the unpaid principal balance is justly due and
53 owing.

54 c. The mortgage lender has no notice of the existence of any coun-
55 terclaim, offset or defense asserted by the mortgagor or his successor in
56 interest.

57 d. The mortgage loan is evidenced by a bond or promissory note and
58 a mortgage which has been properly recorded with the appropriate
59 public official.

60 e. The mortgage constitutes a valid first lien on the real property
61 described to the authority subject only to real property taxes not yet
62 due, installments of assessments not yet due, and easements and re-
63 strictions of record which do not adversely affect, to a material degree,
64 the use or value of the real property or improvements on it.

65 f. The mortgagor is not now in default in the payment of any in-
66 stallment of principal or interest, escrow funds, real property taxes or
67 otherwise in the performance of obligations under the mortgage docu-
68 ments and has not to the knowledge of the mortgage lender been in de-
69 fault in the performance of any obligation under the mortgage for a
70 period of longer than sixty days during the life of the mortgage.

71 g. The improvements to the mortgaged real property are covered by
72 a valid and subsisting policy of insurance issued by a company autho-
73 rized to issue such policies in this state and providing fire and extend-
74 ed coverage in amounts as the authority prescribes by rule.

75 h. The mortgage loan meets the prevailing investment quality
76 standards for mortgage loans in this state.

77 6. A mortgage lender is liable to the authority for damages suffered
78 by the authority by reason of the untruth of a representation or the
79 breach of a warranty and, in the event that a representation proves to
80 be untrue when made or in the event of a breach of warranty, the
81 mortgage lender shall, at the option of the authority, repurchase the
82 mortgage loan for the original purchase price adjusted for amounts
83 subsequently paid on it, as the authority determines.

84 7. The authority shall require the recording of an assignment of a
85 mortgage loan purchased by it from a mortgage lender and shall not be
86 required to notify the mortgagor of its purchase of the mortgage loan.
87 The authority shall not be required to inspect or take possession of the
88 mortgage documents if the mortgage lender from which the mortgage
89 loan is purchased by the authority enters into a contract to service the
90 mortgage loan and account to the authority for it.

91 8. The authority may not commit more than fifteen percent of its
 92 total bonding capacity as authorized by law to mortgage purchases un-
 93 der this section, except that this limit shall not apply to the purchase
 94 of mortgages on newly constructed single or multiple dwellings.

95 9. If a provision of this section is inconsistent with another provision
 96 of law of this state governing mortgage lenders, the provision of this
 97 section controls for the purposes of this section.

1 SEC. 22. NEW SECTION. **Rules—loans to mortgage lenders and**
 2 **purchase of mortgage loans.** The rules of the authority relating to
 3 the making of loans to mortgage lenders or the purchase of mortgage
 4 loans shall provide at least for the following:

5 1. Procedures for the submission by mortgage lenders to the authori-
 6 ty of requests for loans and offers to sell mortgage loans.

7 2. Standards for allocating bond proceeds among mortgage lenders
 8 requesting loans from, or offering to sell mortgage loans to, the author-
 9 ity.

10 3. Standards for determining the principal amount to be loaned to
 11 each mortgage lender and the interest rate on each loan.

12 4. Standards for determining the aggregate principal amount of
 13 mortgage loans to be purchased from each mortgage lender and the
 14 purchase price.

15 5. Qualifications or characteristics of housing and the purchasers to
 16 be financed by new mortgage loans made in satisfaction of the require-
 17 ments of section twenty (20), subsection two (2) or section twenty-one
 18 (21), subsection two (2) of this Act.

19 6. Restrictions as to the interest rates to be allowed on new mortgage
 20 loans and the return to be realized by mortgage lenders.

21 7. Requirements as to commitments and disbursements by mortgage
 22 lenders with respect to new mortgage loans.

23 8. Schedules of fees and charges to be imposed by the authority.

24 9. Requirements for provisions that prohibit mortgage loans made
 25 under this program from being assumed without permission of the
 26 mortgagee.

1 SEC. 23. NEW SECTION. **Powers relating to loans.** Subject to
 2 any agreement with bondholders or noteholders, the authority may re-
 3 negotiate a mortgage loan or a loan to a mortgage lender in default,
 4 waive a default or consent to the modification of the terms of a mort-
 5 gage loan or a loan to a mortgage lender, forgive or forbear all or part
 6 of a mortgage loan or a loan to a mortgage lender, and commence,
 7 prosecute and enforce a judgment in any action, including but not lim-
 8 ited to a foreclosure action, to protect or enforce any right conferred
 9 upon it by law, mortgage loan agreement, contract or other agreement,
 10 and in connection with any such action, bid for and purchase the prop-
 11 erty or acquire or take possession of it, complete, administer, pay the
 12 principal of and interest on any obligations incurred in connection
 13 with the property and dispose of and otherwise deal with the property
 14 in a manner as the authority deems advisable to protect its interests.

1 SEC. 24. NEW SECTION. **Certification of amortization peri-**
 2 **ods.** Before the authority provides money, either directly or indirect-
 3 ly, for any mortgage loan, it must obtain the certificate of a competent
 4 appraiser to the effect that the economic lifespan of the property on
 5 which the mortgage loan is to be made is in excess of the period of am-
 6 ortization of the mortgage loan.

1 SEC. 25. NEW SECTION. **Planning, zoning and building**
 2 **laws.** All housing provided or assisted by the authority is subject to

3 any applicable master plan, official map, zoning regulation, building
4 code, housing code and any other law or regulation governing land
5 use, pollution control, environmental quality, planning or construc-
6 tion, for the area in which the housing is to be located.

1 **SEC. 26. NEW SECTION. Bonds and notes.**

2 1. The authority may issue its negotiable bonds and notes in princi-
3 pal amounts as, in the opinion of the authority, are necessary to pro-
4 vide sufficient funds for achievement of its corporate purposes, the
5 payment of interest on its bonds and notes, the establishment of re-
6 serves to secure its bonds and notes, and all other expenditures of the
7 authority incident to and necessary or convenient to carry out its pur-
8 poses and powers. However, the authority may not have a total princi-
9 pal amount of bonds and notes outstanding at any time in excess of
10 one hundred million dollars. The bonds and notes shall be deemed to
11 be investment securities and negotiable instruments within the mean-
12 ing of and for all purposes of the uniform commercial code.

13 2. Bonds and notes issued by the authority are payable solely and
14 only out of the moneys, assets, or revenues of the authority, and as
15 provided in the agreement with bondholders or noteholders pledging
16 any particular moneys, assets or revenues. Bonds or notes are not an
17 obligation of this state or any political subdivision of this state other
18 than the authority within the meaning of any constitutional or statuto-
19 ry debt limitations, but are special obligations of the authority payable
20 solely and only from the sources provided in this Act, and the authori-
21 ty may not pledge the credit or taxing power of this state or any politi-
22 cal subdivision of this state other than the authority, or make its debts
23 payable out of any moneys except those of the authority.

24 3. The maximum amount of bonds and notes issued by the authority
25 which may be outstanding at any time shall be set by statute. Bonds
26 and notes must be authorized by a resolution of the authority. How-
27 ever, a resolution authorizing the issuance of bonds or notes may dele-
28 gate to an officer of the authority the power to negotiate and fix the
29 details of an issue of bonds or notes by an appropriate certificate of the
30 authorized officer.

31 4. Bonds shall:

32 a. State the date and series of the issue, be consecutively numbered,
33 and state on their face that they are payable both as to principal and
34 interest solely out of the assets of the authority and do not constitute
35 an indebtedness of this state or any political subdivision of this state
36 other than the authority within the meaning of any constitutional or
37 statutory debt limit.

38 b. Be either registered, registered as to principal only, or in coupon
39 form, issued in denominations as the authority prescribes, fully negotia-
40 ble instruments under the laws of this state, signed on behalf of the
41 authority with the manual or facsimile signature of the chairman or
42 vice chairman, attested by the manual or facsimile signature of the sec-
43 retary, have impressed or imprinted thereon the seal of the authority
44 or a facsimile of it, and the coupons attached shall be signed with the
45 facsimile signature of the chairman or vice chairman, be payable as to
46 interest at rates and at times as the authority determines, be payable
47 as to principal at times over a period not to exceed fifty years from the
48 date of issuance, at places, and with reserved rights of prior redemp-
49 tion, as the authority prescribes, be sold at prices, at public or private
50 sale, and in a manner as the authority prescribes, and the authority
51 may pay all expenses, premiums and commissions which it deems nec-
52 essary or advantageous in connection with the issuance and sale, and
53 be issued under and subject to the terms, conditions and covenants

54 providing for the payment of the principal, redemption premiums, if
55 any, interest and other terms, conditions, covenants and protective
56 provisions safeguarding payment, not inconsistent with this Act, as are
57 found to be necessary by the authority for the most advantageous sale,
58 which may include, but are not limited to, covenants with the holders
59 of the bonds as to:

60 (1) Pledging or creating a lien, to the extent provided by the resolu-
61 tion, on moneys or property of the authority or moneys held in trust or
62 otherwise by others to secure the payment of the bonds.

63 (2) Providing for the custody, collection, securing, investment and
64 payment of any moneys of or due to the authority.

65 (3) The setting aside of reserves or sinking funds and the regulation
66 or disposition of them.

67 (4) Limitations on the purpose to which the proceeds of sale of an is-
68 sue of bonds then or thereafter to be issued may be applied.

69 (5) Limitations on the issuance of additional bonds and on the re-
70 funding of outstanding or other bonds.

71 (6) The procedure by which the terms of a contract with the holders
72 of bonds may be amended or abrogated, the amount of bonds the hold-
73 ers of which must consent thereto and the manner in which consent
74 may be given.

75 (7) The creation of special funds into which moneys of the authority
76 may be deposited.

77 (8) Vesting in a trustee properties, rights, powers and duties in trust
78 as the authority determines, which may include the rights, powers and
79 duties of the trustee appointed for the holders of any issue of bonds
80 pursuant to section twenty-eight (28) of this Act, in which event the
81 provisions of that section authorizing appointment of a trustee by the
82 holders of bonds shall not apply, or limiting or abrogating the right of
83 the holders of bonds to appoint a trustee under that section, or limit-
84 ing the rights, duties and powers of the trustee.

85 (9) Defining the acts or omissions which constitute a default in the
86 obligations and duties of the authority and providing for the rights
87 and remedies of the holders of bonds in the event of a default. How-
88 ever, rights and remedies shall be consistent with the laws of this state
89 and other provisions of this Act.

90 (10) Any other matters which affect the security and protection of
91 the bonds and the rights of the holders.

92 5. The authority may issue its bonds for the purpose of refunding
93 any bonds or notes of the authority then outstanding, including the
94 payment of any redemption premiums thereon and any interest ac-
95 crued or to accrue to the date of redemption of the outstanding bonds
96 or notes. Until the proceeds of bonds issued for the purpose of refund-
97 ing outstanding bonds or notes are applied to the purchase or retire-
98 ment of outstanding bonds or notes or the redemption of outstanding
99 bonds or notes, the proceeds may be placed in escrow and be invested
100 and reinvested in accordance with the provisions of this Act. The inter-
101 est, income and profits earned or realized on an investment may also
102 be applied to the payment of the outstanding bonds or notes to be re-
103 funded by purchase, retirement or redemption. After the terms of the
104 escrow have been fully satisfied and carried out, any balance of pro-
105 ceeds and interest earned or realized on the investments may be re-
106 turned to the authority for use by it in any lawful manner. All
107 refunding bonds shall be issued and secured and subject to the provi-
108 sions of this Act in the same manner and to the same extent as other
109 bonds issued pursuant to this Act.

110 6. The authority may issue negotiable bond anticipation notes and
 111 may renew them from time to time but the maximum maturity of the
 112 notes, including renewals, shall not exceed ten years from the date of
 113 issue of the original notes. Notes are payable from any available
 114 moneys of the authority not otherwise pledged, or from the proceeds of
 115 the sale of bonds of the authority in anticipation of which the notes
 116 were issued. Notes may be issued for any corporate purpose of the au-
 117 thority. Notes shall be issued in the same manner as bonds, and notes
 118 and the resolution authorizing them may contain any provisions, con-
 119 ditions or limitations, not inconsistent with the provisions of this sub-
 120 section, which the bonds or a bond resolution of the authority may
 121 contain. Notes may be sold at public or private sale. In case of default
 122 on its notes or violation of any obligations of the authority to the
 123 noteholders, the noteholders shall have all the remedies provided in
 124 this Act for bondholders. Notes shall be as fully negotiable as bonds of
 125 the authority.

126 7. A copy of each pledge agreement by or to the authority, includ-
 127 ing without limitation each bond resolution, indenture of trust or simi-
 128 lar agreement, or any revisions or supplements to it shall be filed with
 129 the secretary of state and no further filing or other action under sec-
 130 tion five hundred fifty-four point nine thousand one hundred one
 131 (554.9101) through five hundred fifty-four point nine thousand five
 132 hundred seven (554.9507) of the Code, article nine (9) of the uniform
 133 commercial code, or any other law of the state shall be required to per-
 134 fect the security interest in the collateral or any additions to it or sub-
 135 stitutions for it, and the lien and trust so created shall be binding from
 136 and after the time made against all parties having claims of any kind
 137 in tort, contract, or otherwise against the pledgor.

138 8. Neither the members of the authority nor any person executing its
 139 bonds, notes or other obligations shall be liable personally on the
 140 bonds, notes, or other obligations or be subject to any personal liability
 141 or accountability by reason of the issuance of the authority's bonds or
 142 notes.

1 SEC. 27. NEW SECTION. **Reserve funds and appropriations.**

2 1. The authority may create and establish one or more special funds,
 3 to be known as "bond reserve funds", and shall pay into each bond re-
 4 serve fund any moneys appropriated and made available by the state
 5 for the purpose of the fund, any proceeds of sale of notes or bonds to
 6 the extent provided in the resolutions of the authority authorizing
 7 their issuance, and any other moneys which may be available to the
 8 authority for the purpose of the fund from any other sources. All
 9 moneys held in a bond reserve fund, except as otherwise provided in
 10 this Act, shall be used as required solely for the payment of the princi-
 11 pal of bonds secured in whole or in part by the fund or of the sinking
 12 fund payments with respect to the bonds, the purchase or redemption
 13 of the bonds, the payment of interest on the bonds or the payments of
 14 any redemption premium required to be paid when the bonds are re-
 15 deemed prior to maturity.

16 2. Moneys in a bond reserve fund shall not be withdrawn from it at
 17 any time in an amount that will reduce the amount of the fund to less
 18 than the bond reserve fund requirement established for the fund, as
 19 provided in this section, except for the purpose of making, with respect
 20 to bonds secured in whole or in part by the fund, payment when due of
 21 principal, interest, redemption premiums and the sinking fund pay-
 22 ments with respect to the bonds for the payment of which other
 23 moneys of the authority are not available. Any income or interest

24 earned by, or incremental to, a bond reserve fund due to the invest-
25 ment of it may be transferred by the authority to other funds or ac-
26 counts of the authority to the extent the transfer does not reduce the
27 amount of that bond reserve fund below the bond reserve fund require-
28 ment for it.

29 3. The authority shall not at any time issue bonds, secured in whole
30 or in part by a bond reserve fund if, upon the issuance of the bonds,
31 the amount in the bond reserve fund will be less than the bond reserve
32 fund requirement for the fund, unless the authority at the time of issu-
33 ance of the bonds deposits in the fund from the proceeds of the bonds
34 issued or from other sources an amount which, together with the
35 amount then in the fund will not be less than the bond reserve fund re-
36 quirement for the fund. For the purposes of this section, the term
37 "bond reserve fund requirement" means, as of any particular date of
38 computation, an amount of money, as provided in the resolutions of
39 the authority authorizing the bonds with respect to which the fund is
40 established, equal to not more than ten percent of the outstanding
41 principal amount of bonds of the authority secured in whole or in part
42 by the fund.

43 4. To assure the continued operation and solvency of the authority
44 for the carrying out of its corporate purposes, provision is made in sub-
45 section one (1) of this section for the accumulation in each bond reserve
46 fund of an amount equal to the bond reserve fund requirement for the
47 fund. In order further to assure maintenance of the bond reserve funds,
48 the chairman of the authority shall, on or before July first of each cal-
49 endar year, make and deliver to the governor his certificate stating the
50 sum, if any, required to restore each bond reserve fund to the bond re-
51 serve fund requirement for that fund. Within thirty days after the be-
52 ginning of the session of the general assembly next following the
53 delivery of the certificate, the governor may submit to both houses
54 printed copies of a budget including the sum, if any, required to re-
55 store each bond reserve fund to the bond reserve fund requirement for
56 that fund. Any sums appropriated by the general assembly and paid to
57 the authority pursuant to this section shall be deposited by the author-
58 ity in the applicable bond reserve fund.

59 5. All amounts paid over to the authority by the state pursuant to
60 the provisions of this section shall constitute and be accounted for as
61 advances by the state to the authority and, subject to the rights of the
62 holders of any bonds or notes of the authority theretofore or thereafter
63 issued, shall be repaid to the state without interest from all available
64 operating revenues of the authority in excess of amounts required for
65 the payment of bonds, notes or obligations of the authority, the bond
66 reserve fund and operating expenses.

1 SEC. 28. NEW SECTION. **Remedies of bondholders and notehold-**
2 **ers.**

3 1. If the authority defaults in the payment of principal or interest
4 on an issue of bonds or notes after they become due, whether at matu-
5 rity or upon call for redemption, and the default continues for a period
6 of thirty days, or if the authority fails or refuses to comply with the
7 provisions of this Act, or defaults in an agreement made with the hold-
8 ers of an issue of bonds or notes, the holders of twenty-five percent in
9 aggregate principal amount of bonds or notes of the issue then out-
10 standing, by instrument filed in the office of the clerk of the county in
11 which the principal office of the authority is located, and proved or ac-
12 knowledged in the same manner as a deed to be recorded, may appoint
13 a trustee to represent the holders of the bonds or notes for the purposes
14 provided in this section.

15 2. The authority or any trustee appointed under the indenture un-
 16 der which the bonds are issued may, and upon written request of the
 17 holders of twenty-five percent in aggregate principal amount of the is-
 18 sue of bonds or notes then outstanding shall:

19 a. Enforce all rights of the bondholders or noteholders, including the
 20 right to require the authority to carry out its agreements with the hold-
 21 ers and to perform its duties under this Act.

22 b. Bring suit upon the bonds or notes.

23 c. By action require the authority to account as if it were the trustee
 24 of an express trust for the holders.

25 d. By action enjoin any acts or things which are unlawful or in vio-
 26 lation of the rights of the holders.

27 e. Declare all the bonds or notes due and payable and if all defaults
 28 are made good then with the consent of the holders of twenty-five per-
 29 cent of the aggregate principal amount of the issue of bonds or notes
 30 then outstanding, annul the declaration and its consequences.

31 3. The trustee shall also have and possess all powers necessary or ap-
 32 propriate for the exercise of functions specifically set forth or incident
 33 to the general representation of bondholders or noteholders in the en-
 34 forcement and protection of their rights.

35 4. Before declaring the principal of bonds or notes due and payable,
 36 the trustee shall first give thirty days notice in writing to the governor,
 37 to the authority and to the attorney general of the state.

38 5. The district court has jurisdiction of any action by the trustee on
 39 behalf of bondholders or noteholders. The venue of the action shall be
 40 in the county in which the principal office of the authority is located.

1 SEC. 29. NEW SECTION. **Agreement of the state.** The state of
 2 Iowa pledges to and agrees with the holders of any bonds or notes is-
 3 sued under this Act that the state will not limit or alter the rights vest-
 4 ed in the authority to fulfill the terms of agreements made with the
 5 holders or in any way impair the rights and remedies of the holders
 6 until the bonds or notes together with the interest on them, plus inter-
 7 est on unpaid installments of interest, and all costs and expenses in
 8 connection with an action by or on behalf of the holders, are fully met
 9 and discharged. The authority may include this pledge and agreement
 10 of the state of Iowa in any agreement with the holders of bonds or
 11 notes.

1 SEC. 30. NEW SECTION. **Bonds and notes as legal invest-**
 2 **ments.** Bonds and notes of the authority are securities in which pub-
 3 lic officers, state departments and agencies, political subdivisions,
 4 insurance companies, and other persons carrying on an insurance busi-
 5 ness, banks, trust companies, savings and loan associations, investment
 6 companies and other persons carrying on a banking business, adminis-
 7 trators, executors, guardians, conservators, trustees and other fiduciar-
 8 ies, and other persons authorized to invest in bonds or other
 9 obligations of this state, may properly and legally invest funds includ-
 10 ing capital in their control or belonging to them. The bonds and notes
 11 are also securities which may be deposited with and may be received
 12 by public officers, state departments and agencies, and political subdivi-
 13 sions, for any purpose for which the deposit of bonds or other obliga-
 14 tions of this state is authorized.

1 SEC. 31. NEW SECTION. **Moneys of the authority.**

2 1. Moneys of the authority from whatever source derived, except as
 3 otherwise provided in this Act, shall be paid to the authority and shall
 4 be deposited in a bank or other financial institution designated by the
 5 authority. The moneys shall be withdrawn on the order of the person

6 authorized by the authority. Deposits shall, if required by the authori-
 7 ty, be secured in the manner determined by the authority. The auditor
 8 of state and his legally authorized representatives may periodically ex-
 9 amine the accounts and books of the authority, including its receipts,
 10 disbursements, contracts, leases, sinking funds, investments and any
 11 other records and papers relating to its financial standing, and the au-
 12 thority shall not be required to pay a fee for the examination.

13 2. The authority may contract with holders of its bonds or notes as
 14 to the custody, collection, security, investment, and payment of
 15 moneys of the authority, of moneys held in trust or otherwise for the
 16 payment of bonds or notes, and to carry out the contract. Moneys held
 17 in trust or otherwise for the payment of bonds or notes or in any way
 18 to secure bonds or notes and deposits of the moneys may be secured in
 19 the same manner as moneys of the authority, and banks and trust com-
 20 panies may give security for the deposits.

21 3. Subject to the provisions of any contract with bondholders or
 22 noteholders and to the approval of the state comptroller, the authority
 23 shall prescribe a system of accounts.

24 4. The authority shall submit to the governor, the auditor of state,
 25 and the state comptroller, within thirty days of its receipt by the au-
 26 thority, a copy of the report of every external examination of the
 27 books and accounts of the authority other than copies of the reports of
 28 examinations made by the auditor of state.

1 SEC. 32. NEW SECTION. **Limitation of liability.** Neither the
 2 members of the authority, nor persons acting in its behalf, while acting
 3 within the scope of their employment or agency, are subject to person-
 4 al liability resulting from carrying out the powers and duties given in
 5 this Act.

1 SEC. 33. NEW SECTION. **Assistance by state officers, agencies
 2 and departments.**

3 1. State officers and state departments and agencies may render ser-
 4 vices to the authority within their respective functions as requested by
 5 the authority.

1 SEC. 34. NEW SECTION. **Liberal interpretation.** This Act, being
 2 necessary for the welfare of this state and its inhabitants, shall be liber-
 3 ally construed to effect its purposes.

1 SEC. 35. NEW SECTION. **Conflicts of interest.**

2 1. If a member or employee other than the executive director of the
 3 authority has an interest, either direct or indirect, in a contract to
 4 which the authority is, or is to be, a party, or in a mortgage lender re-
 5 questing a loan from, or offering to sell mortgage loans to, the authori-
 6 ty, the interest shall be disclosed to the authority in writing and shall
 7 be set forth in the minutes of the authority. The member or employee
 8 having the interest shall not participate in action by the authority with
 9 respect to that contract or mortgage lender.

10 2. Nothing in this section shall be deemed to limit the right of a
 11 member, officer or employee of the authority to acquire an interest in
 12 bonds or notes of the authority or to limit the right of a member or
 13 employee other than the executive director to have an interest in a
 14 bank or other financial institution in which the funds of the authority
 15 are, or are to be, deposited or which is, or is to be, acting as trustee or
 16 paying agent under a trust indenture to which the authority is a party.

17 3. The executive director shall not have an interest in a bank or oth-
 18 er financial institution in which the funds of the authority are, or are
 19 to be, deposited or which is, or is to be, acting as trustee or paying

20 agent under a trust indenture to which the authority is a party. The
 21 executive director shall not receive, in addition to fixed salary or com-
 22 pensation, any money or valuable thing, either directly or indirectly,
 23 or through any substantial interest in any other corporation or business
 24 unit, for negotiating, procuring, recommending or aiding in any pur-
 25 chase or sale of property, or loan, made by the authority, nor shall the
 26 executive director be pecuniarily interested, either as principal, coprin-
 27 cipal, agent or beneficiary, either directly or indirectly, or through any
 28 substantial interest in any other corporation or business unit, in any
 29 such purchase, sale or loan.

1 SEC. 36. NEW SECTION. **Exemption from competitive bid**
 2 **laws.** The authority and all contracts made by it in carrying out its
 3 public and essential governmental functions under sections twelve (12)
 4 through sixteen (16), eighteen (18), twenty (20) and twenty-one (21) of
 5 this Act, shall be exempt from the provisions and requirements of all
 6 laws of the state which provide for competitive bids in connection with
 7 such contracts.

1 SEC. 37. Section twelve point ten (12.10), Code 1975, is amended to
 2 read as follows:

3 **12.10 Deposits by state officers.** All elective and appointive
 4 state officers, boards, commissions, and departments, except the state
 5 fair board, the state board of regents, Iowa state commerce commis-
 6 sion, and the commissioner of the department of social services, shall,
 7 within ten days succeeding the collection thereof, deposit, with the
 8 treasurer of state, or to the credit of said treasurer in any depository by
 9 him designated, ninety percent of all fees, commissions, and moneys
 10 collected or received; the balance actually collected in cash, remaining
 11 in the hands of any officer, board, or department shall not exceed the
 12 sum of five thousand dollars and no money collected shall be held
 13 more than thirty days. *This section does not apply to the Iowa hous-*
 14 *ing finance authority.*

1 SEC. 38. Section three hundred sixty-four point seven (364.7), sub-
 2 section three (3), Code 1975, is amended to read as follows:

3 3. A city may not dispose of real property by gift except to a gov-
 4 ernmental body for a public purpose. *However, a city may dispose of*
 5 *real property for use in an Iowa homesteading program under sec-*
 6 *tion fourteen (14) of this Act for a nominal consideration, includ-*
 7 *ing but not limited to property in an urban renewal area.*

1 SEC. 39. Section four hundred three A point three (403A.3), Code
 2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. To cooperate with the Iowa housing finance au-
 4 thority, to participate in any of its programs, to use any of the funds
 5 available to the municipality for the uses of this chapter to contribute
 6 to such programs in which it participates, and to comply with the pro-
 7 visions of sections one (1) through thirty-six (36) of this Act and the
 8 rules of the Iowa housing finance authority promulgated thereunder.

1 SEC. 40. Chapter four hundred forty-six (446), Code 1975, is amend-
 2 ed by adding the following new section:

3 NEW SECTION. A city or county, a city or county agency as autho-
 4 rized by the Iowa housing finance authority, or the Iowa housing fi-
 5 nance authority may file with the treasurer a verified statement that a
 6 parcel of property to be sold at tax sale is abandoned and deteriorating
 7 in condition, or is inhabited but is not safe for human habitation, or is
 8 or is likely to become a public nuisance, and that the property is suit-

9 able for use and is to be used in an Iowa homesteading project under
 10 section fourteen (14) of this Act. Other information may be included.
 11 Upon proper filing of the statement, and if the property is offered at
 12 any tax sale and no bid is received, or if the bid received is less than
 13 the total amount of the delinquent general taxes, interest, penalties
 14 and costs, or if the property is to be transferred to the county under
 15 section four hundred forty-six point thirty-eight (446.38) of the Code,
 16 the city, county, city or county agency, or Iowa housing finance au-
 17 thority may bid for the property for use in an Iowa homesteading proj-
 18 ect, bidding a sum equal to the total amount of all delinquent general
 19 taxes, interest, penalties and costs charged against the property. Each
 20 of the tax-levying and tax-certifying bodies having an interest in the
 21 taxes for which the property is sold shall be charged with the full
 22 amount of all delinquent taxes due to it, as its share of the purchase
 23 price.

1 SEC. 41. Section four hundred forty-six point seven (446.7), unnum-
 2 bered paragraph two (2), Code 1975, is amended to read as follows:
 3 Property of municipal and political subdivisions of the state of Iowa
 4 *and property held by a city or county agency or the Iowa housing*
 5 *finance authority for use in an Iowa homesteading project*, shall not
 6 be offered or sold at tax sale and any purported tax sale thereof shall
 7 be void from its inception. Whenever delinquent taxes are owing
 8 against property owned or claimed by any municipal or political subdivi-
 9 sion of the state of Iowa, *or property held by a city or county agen-*
 10 *cy or the Iowa housing finance authority for use in an Iowa*
 11 *homesteading project*, the treasurer shall give notice to the governing
 12 body thereof which shall then pay the amount of the due and delin-
 13 quent taxes from its general fund. In the event such governing body
 14 fails to make payment upon such notice, the collection and enforce-
 15 ment of the taxes, penalty, interest and costs shall be suspended for so
 16 long as the property shall remain in public ownership, *and for so long*
 17 *as the property is the subject of a conditional conveyance under an*
 18 *Iowa homesteading project*, but the same may be collected and en-
 19 forced against the property in the event of its subsequent sale by such
 20 municipal or political subdivision, *agency, or authority*, to a private
 21 purchaser. *However, such taxes, penalty, interest and costs shall be*
 22 *canceled if the property is the subject of an absolute conveyance of*
 23 *the fee to a holder of the conditional conveyance granted under an*
 24 *Iowa homesteading project*. No penalty, interest or costs shall be add-
 25 ed during such period of public ownership *or while the property is the*
 26 *subject of a conditional conveyance under an Iowa homesteading*
 27 *project*.

1 SEC. 42. Section four hundred forty-seven point nine (447.9), Code
 2 1975, is amended to read as follows:
 3 **447.9 Notice of expiration of right of redemption.** After two
 4 years and nine months from the date of sale, or after nine months from
 5 the date of a sale made under the provisions of section 446.18 ~~or~~, sec-
 6 tion 446.38, *or section forty (40) of this Act*, the holder of the certifi-
 7 cate of purchase may cause to be served upon the person in possession
 8 of such real estate, and also upon the person in whose name the same
 9 is taxed, if such person resides in the county where the land is situated,
 10 in the manner provided for the service of original notices, a notice
 11 signed by him, his agent, or attorney, stating the date of sale, the de-
 12 scription of the property sold, the name of the purchaser, and that the
 13 right of redemption will expire and a deed for the land be made unless
 14 redemption is made within ninety days from the completed service

15 thereof. When said notice is given by a county as a holder of a certifi-
 16 cate of purchase the notice shall be signed by the county auditor, *and*
 17 *when given by a city, it shall be signed by the city officer designat-*
 18 *ed by resolution of the council. When the notice is given by the Iowa*
 19 *housing finance authority or a city or county agency holding the*
 20 *property as part of an Iowa homesteading project, it shall be signed*
 21 *on behalf of the agency or authority by one of its officers, as autho-*
 22 *rized in rules of the agency or authority.* Service of such notice shall
 23 also be made by certified mail on any mortgagee, or his assignee, of
 24 record, whether the resident or nonresident of the county, if his address is
 25 disclosed by the recorded instrument or by a certificate showing the ad-
 26 dress of the mortgagee or assignee duly filed with the recorder, or the
 27 state of Iowa in case of an old-age assistance lien by service upon the
 28 state department of social services. Such notice shall also be served on
 29 any city where such real estate is situated.

1 SEC. 43. Section four hundred forty-seven point twelve (447.12),
 2 Code 1975, is amended to read as follows:

3 **447.12 When service deemed complete—presumption.** Service
 4 shall be complete only after an affidavit has been filed with the treas-
 5 urer, showing the making of the service, the manner thereof, the time
 6 when and place where made, and under whose direction the same was
 7 made; such affidavit to be made by the holder of the certificate or by
 8 his agent or attorney, and in either of the latter cases stating that such
 9 affiant is the agent or attorney, as the case may be, of the holder of
 10 such certificate; which affidavit shall be filed by the treasurer and en-
 11 tered upon the sale book opposite the entry of the sale, and said record
 12 or affidavit shall be presumptive evidence of the completed service of
 13 said notice, and the right of redemption shall not expire until ninety
 14 days after service is complete. *When the property is held by a city or*
 15 *county, a city or county agency, or the Iowa housing finance au-*
 16 *thority, for use in an Iowa homesteading project, whether or not the*
 17 *property is the subject of a conditional conveyance granted under*
 18 *the project, the affidavit shall be made by the county auditor of the*
 19 *county, a city officer designated by resolution of the council, or on*
 20 *behalf of the agency or authority, by one of its officers as autho-*
 21 *rized in rules of the agency or authority.*

1 SEC. 44. Section four hundred forty-seven point thirteen (447.13),
 2 Code 1975, is amended to read as follows:

3 **447.13 Cost—fee—report.** The cost of serving the notice and affi-
 4 davit of publication shall be added to the amount necessary to redeem.
 5 The fee for serving the notice shall be the same as for service of an
 6 original notice, including copy fee and mileage. The treasurer shall,
 7 upon the filing of proof of service and statement of costs, forthwith re-
 8 port the same in writing to the auditor, who shall enter it on the sale
 9 book against the proper tract of real estate. The holder of the certifi-
 10 cate of sale or his agent may report in writing to the county auditor
 11 the amount of costs incurred in giving such notice, and the auditor
 12 shall enter the same in the sale book. No redemption shall be complete
 13 until such costs are paid. *If the property is held by a city or coun-*
 14 *ty, a city or county agency, or the Iowa housing finance authority,*
 15 *for use in an Iowa homesteading project, whether or not the proper-*
 16 *ty is the subject of a conditional conveyance granted under the proj-*
 17 *ect, the costs incurred for repairs and rehabilitation work required*
 18 *and undertaken in order to make the property meet applicable*
 19 *building or housing code standards shall be added to the amount*
 20 *necessary to redeem, and no redemption shall be complete until*
 21 *such costs are paid.*

1 SEC. 45. Chapter four hundred seventy-two (472), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. **Procedure for homesteading projects.** If the pur-
4 pose of condemnation is to obtain property for use as part of an Iowa
5 homesteading project under section fourteen (14) of this Act, the appli-
6 cation required under section four hundred seventy-two point three
7 (472.3) of the Code may contain a verified statement that the property
8 sought to be condemned is abandoned and deteriorating in condition,
9 or is inhabited but is not safe for human habitation, or is or is likely to
10 become a public nuisance, and that the property is suitable for use and
11 is to be used in an Iowa homesteading project. Other information may
12 be included. The statement must be verified by the Iowa housing fi-
13 nance authority or by a local agency authorized under rules of the au-
14 thority. Upon proper filing of the statement and the report of the
15 condemnation commission assessing damages, and deposit of the
16 amount assessed with the sheriff, the applicant for condemnation may
17 take possession as provided in section four hundred seventy-two point
18 twenty-five (472.25) of the Code if the property is abandoned, or may
19 take steps to obtain possession after ninety days from the date of the
20 filing of the statement, report, and deposit, if the property is inhabit-
21 ed.

1 SEC. 46. Section five hundred twenty-four point nine hundred five
2 (524.905), subsection six (6), is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. Loans made to families of low or moderate in-
5 come as a part of programs authorized in sections one (1) through
6 thirty-six (36) of this Act and approved by the Iowa housing finance
7 authority.

1 SEC. 47. Section five hundred thirty-three point sixteen (533.16),
2 unnumbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 The foregoing restrictions or limitations shall not prevent the renew-
5 al or extension of loans and shall not apply to loans which are secured
6 under the provisions of the national housing Act, as amended, *or to*
7 *loans made to families of low or moderate income as a part of pro-*
8 *grams authorized in sections one (1) through thirty-six (36) of this*
9 *Act and approved by the Iowa housing finance authority.*

1 SEC. 48. Section five hundred thirty-four point twenty-one (534.21),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Loan plans. Real estate loans may be made as authorized by this
4 chapter, or upon any other loan plan approved by the supervisor. No
5 real estate loan shall be made until two qualified persons or one profes-
6 sional appraiser selected by the board of directors shall have submitted
7 a signed appraisal of the real estate securing such loan. If it is an unin-
8 sured mortgage no such loan shall be made to exceed ninety percent of
9 said appraised value. Any loans insured by the federal housing admin-
10 istration or which are guaranteed by the Servicemen's Readjustment
11 Act of 1944 (58 Stat. L. 291; repealed; now covered by 37 U.S.C. sub-
12 section 1801 to 1824 inc.), as amended, or which are guaranteed or in-
13 sured, in whole or in part, by any other duly constituted federal
14 instrumentality or private corporation approved by the federal home
15 loan bank or the supervisor which qualify for such insurance or guaran-
16 tee, *or loans made to families of low or moderate income as a part*
17 *of programs authorized in sections one (1) through thirty-six (36) of*
18 *this Act and approved by the Iowa housing finance authority, may*

19 be made regardless of the requirements for other loans otherwise con-
20 tained in this section.

21 Payments on real estate loans shall be applied first to the payment
22 of interest of the unpaid balance of the loan and the remainder to the
23 reduction of principal; provided that if the loan is in default in any
24 manner, payments may be applied by the mortgagee in any manner
25 approved by the association and provided by the contract between the
26 parties.

27 If agreed in writing by written instrument separate from the note
28 and mortgage at any time after execution of the note and mortgage,
29 any prepayment of an installment may be applied on the final install-
30 ment of the note or other obligation until fully paid, and thereafter on
31 the installments in the inverse order of their maturity.

1 SEC. 49. Section five hundred sixty-nine point eight (569.8), Code
2 1975, is amended to read as follows:

3 **569.8 Title under tax deed—sale—apportionment of pro-**
4 **ceeds.** When the county acquires title to real estate by virtue of a tax
5 deed such real estate shall be controlled, managed, and sold by the
6 board of supervisors as provided in this chapter, ~~except that any sale~~
7 ~~thereof shall be for a sum not less than the total amount stated in the~~
8 ~~tax sale certificate including all endorsements of subsequent general~~
9 ~~taxes, interests, and costs, without the written approval of the tax-levy-~~
10 ~~ing and tax certifying bodies having a majority interest in said general~~
11 ~~taxes. However, where the total amount stated in the tax sale certifi-~~
12 ~~cate including all endorsements of subsequent general taxes, interests,~~
13 ~~and costs does not exceed two hundred fifty dollars, such real estate~~
14 ~~may be sold by the board of supervisors without the written approval~~
15 ~~of any of the tax-levying and tax certifying bodies having any interest~~
16 ~~in said general taxes. All money received from said real estate either as~~
17 ~~rent or as proceeds from the sale thereof shall, after payment of any~~
18 ~~general taxes which have accrued against said real estate since said tax~~
19 ~~sale and after payment of insurance premiums on any buildings locat-~~
20 ~~ed on said real estate and after expenditures made for the actual and~~
21 ~~necessary repairs and upkeep of said real estate, be apportioned to the~~
22 ~~tax-levying and certifying bodies in proportion to their interests in the~~
23 ~~taxes for which said real estate was sold. Real property sold under this~~
24 ~~section shall be sold at public auction and not by use of sealed bids,~~
25 ~~but only after notice thereof has been published ~~once~~ twice, on differ-~~
26 ~~ent dates, in a newspaper or newspapers of general circulation in the~~
27 ~~county wherein the property is located, stating the description of the~~
28 ~~property to be sold and the date, place and time of such sale, at least~~
29 ~~ten days, but not more than fifteen days prior to the date of such sale.~~
30 *The board of supervisors may transfer title to real estate acquired*
31 *by virtue of a tax deed to a city, a city agency, or to the Iowa hous-*
32 *ing finance authority for use in an Iowa homesteading project un-*
33 *der section fourteen (14) of this Act and they need not comply with*
34 *the provisions of this section.*

Approved June 13, 1975

CHAPTER 139

HOSPITALIZATION OF THE MENTALLY ILL

S. F. 499

AN ACT relating to hospitalization of the mentally ill.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act, un-
 2 less the context clearly requires otherwise:

3 1. "Mental illness" means every type of mental disease or mental
 4 disorder, except that it does not refer to mental retardation as defined
 5 in section two hundred twenty-two point two (222.2), subsection five (5)
 6 of the Code.

7 2. "Seriously mentally impaired" or "serious mental impairment"
 8 describes the condition of a person who is afflicted with mental illness
 9 and because of that illness lacks sufficient judgment to make responsi-
 10 ble decisions with respect to his or her hospitalization or treatment,
 11 and who:

12 a. Is likely to physically injure himself or herself or others if allowed
 13 to remain at liberty without treatment; or

14 b. Is likely to inflict serious emotional injury on members of his or
 15 her family or others who lack reasonable opportunity to avoid contact
 16 with the afflicted person if the afflicted person is allowed to remain at
 17 liberty without treatment.

18 3. "Serious emotional injury" is an injury which does not necessarily
 19 exhibit any physical characteristics, but which can be recognized and
 20 diagnosed by a licensed physician or other qualified mental health pro-
 21 fessional and which can be causally connected with the act or omission
 22 of a person who is, or is alleged to be, mentally ill.

23 4. "Respondent" means any person against whom an application has
 24 been filed under section six (6) of this Act, but who has not been final-
 25 ly ordered committed for full-time custody, care and treatment in a
 26 hospital.

27 5. "Patient" means a person who has been hospitalized or ordered
 28 hospitalized to receive treatment pursuant to section fourteen (14) of
 29 this Act.

30 6. "Licensed physician" means an individual licensed under the pro-
 31 visions of chapter one hundred forty-eight (148) of the Code to practice
 32 medicine.

33 7. "Qualified mental health professional" means an individual expe-
 34 rienced in the study and treatment of mental disorders in the capacity
 35 of:

36 a. A psychologist certified under chapter one hundred fifty-four B
 37 (154B) of the Code; or

38 b. A registered nurse licensed under chapter one hundred fifty-two
 39 (152) of the Code; or

40 c. A social worker who holds a masters degree in social work awarded
 41 by an accredited college or university.

42 8. "Public hospital" means:

43 a. A state mental health institute established by chapter two
 44 hundred twenty-six (226) of the Code; or

45 b. The state psychopathic hospital established by chapter two
 46 hundred twenty-five (225) of the Code; or

47 c. Any other publicly supported hospital or institution, or part
 48 thereof, which is equipped and staffed to provide inpatient care to the
 49 mentally ill, except that this definition shall not be applicable to the

50 Iowa security medical facility established by chapter two hundred
51 twenty-three (223) of the Code.

52 9. "Private hospital" means any hospital or institution not directly
53 supported by public funds, or a part thereof, which is equipped and
54 staffed to provide inpatient care to the mentally ill.

55 10. "Hospital" means either a public hospital or a private hospital.

56 11. "Chief medical officer" means the medical director in charge of
57 any public hospital, or any private hospital, or that individual's physi-
58 cian-designee. Nothing in this Act shall negate the authority otherwise
59 reposed by law in the respective superintendents of each of the state
60 hospitals for the mentally ill, established by chapter two hundred
61 twenty-six (226) of the Code, to make decisions regarding the appropri-
62 ateness of admissions or discharges of patients of that hospital, how-
63 ever it is the intent of this Act that if the superintendent is not a
64 licensed physician he shall be guided in these decisions by the chief
65 medical officer of that hospital.

66 12. "Clerk" means the clerk of the district court.

1 **SEC. 2. NEW SECTION. Application for voluntary admission—au-**
2 **thority to receive voluntary patients.**

3 1. An application for admission to a public or private hospital for
4 observation, diagnosis, care and treatment as a voluntary patient may
5 be made by any person who is mentally ill or has symptoms of mental
6 illness. In the case of a minor, the parent or guardian may make appli-
7 cation for admission of the minor as a voluntary patient, however if
8 the chief medical officer of the hospital to which application is made
9 determines that the admission is appropriate but the minor objects to
10 the admission, the parent or guardian must petition the juvenile court
11 for approval of the admission before the minor is actually admitted.
12 The juvenile court shall determine whether the admission is in the best
13 interest of the minor and is consistent with his or her rights.

14 2. Upon receiving an application for admission as a voluntary pa-
15 tient, made pursuant to subsection one (1) of this section:

16 a. The chief medical officer of a public hospital shall receive and
17 may admit the person whose admission is sought, subject in cases other
18 than medical emergencies to availability of suitable accommodations
19 and to the provisions of sections two hundred twenty-nine point forty-
20 one (229.41) and two hundred twenty-nine point forty-two (229.42) of
21 the Code.

22 b. The chief medical officer of a private hospital may receive and
23 may admit the person whose admission is sought.

1 **SEC. 3. NEW SECTION. Discharge of voluntary patients.** Any
2 voluntary patient who has recovered, or whose hospitalization the chief
3 medical officer of the hospital determines is no longer advisable, shall
4 be discharged. Any voluntary patient may be discharged if to do so
5 would in the judgment of the chief medical officer contribute to the
6 most effective use of the hospital in the care and treatment of that pa-
7 tient and of other mentally ill persons.

1 **SEC. 4. NEW SECTION. Right to release on application.** A vol-
2 untary patient who requests his or her release or whose release is re-
3 quested, in writing, by his or her legal guardian, parent, spouse or
4 adult next-of-kin shall be released from the hospital forthwith, except
5 that:

6 1. If the patient was admitted on his or her own application and the
7 request for release is made by some other person, release may be condi-
8 tioned upon the agreement of the patient; and

9 2. If the patient is a minor who was admitted on the application of
 10 his or her parent or guardian pursuant to section two (2), subsection
 11 one (1) of this Act, his or her release prior to becoming eighteen years
 12 of age may be conditioned upon the consent of the parent or guardian,
 13 or upon the approval of the juvenile court if the admission was ap-
 14 proved by the juvenile court; and

15 3. If the chief medical officer of the hospital, not later than the end
 16 of the next secular day on which the office of the clerk of the district
 17 court for the county in which the hospital is located is open and which
 18 follows the submission of the written request for release of the patient,
 19 files with that clerk a certification that in the chief medical officer's
 20 opinion the patient is seriously mentally impaired, the release may be
 21 postponed for the period of time the court determines is necessary to
 22 permit commencement of judicial procedure for involuntary hospitali-
 23 zation. That period of time may not exceed five days, exclusive of
 24 days on which the clerk's office is not open unless the period of time is
 25 extended by order of a district court judge for good cause shown. Until
 26 disposition of the application for involuntary hospitalization of the pa-
 27 tient, if one is timely filed, the chief medical officer may detain the
 28 patient in the hospital and may provide treatment which is necessary
 29 to preserve his or her life, or to appropriately control behavior by the
 30 patient which is likely to result in physical injury to himself or herself
 31 or to others if allowed to continue, but may not otherwise provide
 32 treatment to the patient without the patient's consent.

1 **SEC. 5. NEW SECTION. Departure without notice.** If a voluntary
 2 patient departs from the hospital without notice, and in the opinion of
 3 the chief medical officer the patient is seriously mentally impaired, the
 4 chief medical officer may file an application for involuntary hospitali-
 5 zation of the departed voluntary patient, and request that an order for
 6 immediate custody be entered by the court pursuant to section eleven
 7 (11) of this Act.

1 **SEC. 6. NEW SECTION. Application for order of involuntary hos-**
 2 **pitalization.** Proceedings for the involuntary hospitalization of an
 3 individual may be commenced by any interested person by filing a ver-
 4 ified application with the clerk of the district court of the county where
 5 the respondent is presently located, or which is the respondent's place
 6 of residence. The clerk, or his or her designee, shall assist the applicant
 7 in completing the application. The application shall:

- 8 1. State the applicant's belief that the respondent is seriously men-
 9 tally impaired.
- 10 2. State any other pertinent facts.
- 11 3. Be accompanied by:
 - 12 a. A written statement of a licensed physician in support of the ap-
 13 plication; or
 - 14 b. One or more supporting affidavits otherwise corroborating the ap-
 15 plication; or
 - 16 c. Corroborative information obtained and reduced to writing by the
 17 clerk or his or her designee, but only when circumstances make it in-
 18 feasible to comply with, or when the clerk considers it appropriate to
 19 supplement the information supplied pursuant to, either paragraph a
 20 or paragraph b of this subsection.

1 **SEC. 7. NEW SECTION. Service of notice upon respon-**
 2 **dent.** Upon the filing of an application for involuntary hospitaliza-
 3 tion, the clerk shall docket the case and immediately notify a district
 4 court judge who shall review the application and accompanying docu-

5 mentation. If the application is adequate as to form, the judge may set
6 a time and place for a hearing on the application, if feasible, and shall
7 direct the clerk to send copies of the application and supporting docu-
8 mentation, together with a notice informing the respondent of the pro-
9 cedures required by this Act, to the sheriff or his or her deputy for
10 immediate service upon the respondent. If the respondent is taken into
11 custody under section eleven (11) of this Act, service of the application,
12 documentation and notice upon the respondent shall be made at the
13 time he or she is taken into custody.

1 **SEC. 8. NEW SECTION. Procedure after application is filed.** As
2 soon as practicable after the filing of an application for involuntary
3 hospitalization, the court shall:

4 1. Determine whether the respondent has an attorney who is able
5 and willing to represent him or her in the hospitalization proceeding,
6 and if not, whether the respondent is financially able to employ an at-
7 torney and capable of meaningfully assisting in selecting one. In accord-
8 ance with those determinations, the court shall if necessary allow the
9 respondent to select, or shall assign to him or her, an attorney. If the
10 respondent is financially unable to pay an attorney, the attorney shall
11 be compensated in substantially the manner provided by sections seven
12 hundred seventy-five point five (775.5) and seven hundred seventy-five
13 point six (775.6) of the Code, except that if the county has a public de-
14 fender the court may designate the public defender or an attorney on
15 his or her staff to act as the respondent's attorney.

16 2. Cause copies of the application and supporting documentation to
17 be sent to the county attorney or his or her attorney-designate for re-
18 view.

19 3. Issue a written order which shall:

20 a. If not previously done, set a time and place for a hospitalization
21 hearing, which shall be at the earliest practicable time; and

22 b. Order an examination of the respondent, prior to the hearing, by
23 one or more licensed physicians who shall submit a written report on
24 the examination to the court as required by section ten (10) of this Act.

1 **SEC. 9. NEW SECTION. Respondent's attorney informed.** The
2 court shall direct the clerk to furnish at once to the respondent's attor-
3 ney copies of the application for involuntary hospitalization of the re-
4 spondent and the supporting documentation, and of the court's order
5 issued pursuant to section eight (8), subsection three (3) of this Act. If
6 the respondent is taken into custody under section eleven (11) of this
7 Act, the attorney shall also be advised of that fact. The respondent's
8 attorney shall represent the respondent at all stages of the proceedings,
9 and shall attend the hospitalization hearing.

1 **SEC. 10. NEW SECTION. Physicians' examination—report.**

2 1. An examination of the respondent shall be conducted by one or
3 more licensed physicians, as required by the court's order, within a rea-
4 sonable time. If the respondent is taken into custody under section
5 eleven (11) of this Act, the examination shall be conducted within
6 twenty-four hours. If the respondent so desires, he or she shall be enti-
7 tled to a separate examination by a licensed physician of his or her
8 own choice. The reasonable cost of such separate examination shall, if
9 the respondent lacks sufficient funds to pay the cost, be paid from
10 county funds upon order of the court.

11 Any licensed physician conducting an examination pursuant to this
12 section may consult with or request the participation in the examina-
13 tion of any qualified mental health professional, and may include with

14 or attach to the written report of the examination any findings or ob-
15 servations by any qualified mental health professional who has been so
16 consulted or has so participated in the examination.

17 2. A written report of the examination by the court-designated physi-
18 cian or physicians shall be filed with the clerk prior to the hearing
19 date. A written report of any examination by a physician chosen by
20 the respondent may be similarly filed. The clerk shall immediately:

21 a. Cause the report or reports to be shown to the judge who issued
22 the order; and

23 b. Cause the respondent's attorney to receive a copy of the report of
24 the court-designated physician or physicians.

25 3. If the report of the court-designated physician or physicians is to
26 the effect that the individual is not seriously mentally impaired, the
27 court may without taking further action terminate the proceeding and
28 dismiss the application on its own motion and without notice.

29 4. If the report of the court-designated physician or physicians is to
30 the effect that the respondent is seriously mentally impaired, the court
31 shall schedule a hearing on the application as soon as possible. The
32 hearing shall be held not more than forty-eight hours after the report
33 is filed, excluding Saturdays, Sundays and holidays, unless an exten-
34 sion for good cause is requested by the respondent, or as soon thereaf-
35 ter as possible if the court considers that sufficient grounds exists for
36 delaying the hearing.

1 SEC. 11. NEW SECTION. **Judge may order immediate custo-**
2 **dy.** If the applicant requests that the respondent be taken into imme-
3 diate custody and the judge, upon reviewing the application and
4 accompanying documentation, finds probable cause to believe that the
5 respondent is seriously mentally impaired and is likely to injure him-
6 self or herself or other persons if allowed to remain at liberty, the
7 judge may enter a written order directing that the respondent be taken
8 into immediate custody by the sheriff or his or her deputy and be de-
9 tained until the hospitalization hearing, which shall be held no more
10 than five days after the date of the order. The judge may order the re-
11 spondent detained for that period of time, and no longer, in accord-
12 dance with subsection one (1) of this section if possible, and if not then
13 in accordance with subsection two (2) of this section or, only if neither
14 of these alternatives are available, in accordance with subsection three
15 (3) of this section. Detention may be:

16 1. In the custody of a relative, friend or other suitable person who is
17 willing to accept responsibility for supervision of the respondent, and
18 the respondent may be placed under such reasonable restrictions as the
19 judge may order including, but not limited to, restrictions on or a pro-
20 hibition of any expenditure, encumbrance or disposition of the respon-
21 dent's funds or property; or

22 2. In a suitable hospital the chief medical officer of which shall be
23 informed of the reasons why immediate custody has been ordered and
24 may provide treatment which is necessary to preserve the respondent's
25 life, or to appropriately control behavior by the respondent which is
26 likely to result in physical injury to himself or herself or to others if al-
27 lowed to continue, but may not otherwise provide treatment to the re-
28 spondent without the respondent's consent; or

29 3. In a public or private facility in the community which is suitably
30 equipped and staffed for the purpose, provided that detention in a jail
31 or other facility intended for confinement of those accused or convicted
32 of crime may not be ordered except in cases of actual emergency when
33 no other secure facility is accessible and then only for a period of not
34 more than twenty-four hours and under close supervision.

1 **SEC. 12. NEW SECTION. Hearing procedure.** At the hospitaliza-
2 tion hearing, evidence in support of the contentions made in the appli-
3 cation shall be presented by the county attorney. During the hearing
4 the applicant and the respondent shall be afforded an opportunity to
5 testify and to present and cross-examine witnesses, and the court may
6 receive the testimony of any other interested person. The respondent
7 has the right to be present at the hearing. If the respondent exercises
8 that right and has been medicated within twelve hours, or such longer
9 period of time as the court may designate, prior to the beginning of
10 the hearing or an adjourned session thereof, the judge shall be in-
11 formed of that fact and of the probable effects of the medication upon
12 convening of the hearing. All persons not necessary for the conduct of
13 the proceeding shall be excluded, except that the court may admit per-
14 sons having a legitimate interest in the proceeding. The respondent's
15 welfare shall be paramount and the hearing shall be conducted in as
16 informal a manner as may be consistent with orderly procedure, but
17 consistent therewith the issue shall be tried as a civil matter. Such dis-
18 covery as is permitted under the Iowa rules of civil procedure shall be
19 available to the respondent. The court shall receive all relevant and
20 material evidence which may be offered and need not be bound by the
21 rules of evidence. There shall be a presumption in favor of the respon-
22 dent, and the burden of evidence in support of the contentions made
23 in the application shall be upon the applicant. If upon completion of
24 the hearing the court finds that the contention that the respondent is
25 seriously mentally impaired has not been sustained by clear and con-
26 vincing evidence, it shall deny the application and terminate the pro-
27 ceeding.

1 **SEC. 13. NEW SECTION. Hospitalization for evaluation.** If upon
2 completion of the hearing the court finds that the contention that the
3 respondent is seriously mentally impaired has been sustained by clear
4 and convincing evidence, it shall order the respondent placed in a hos-
5 pital as expeditiously as possible for a complete psychiatric evaluation
6 and appropriate treatment. The court shall furnish to the hospital at
7 the time the respondent arrives there a written finding of fact setting
8 forth the evidence on which the finding is based. The chief medical of-
9 ficer of the hospital shall report to the court no more than fifteen days
10 after the individual is admitted to the hospital, making a recommen-
11 dation for disposition of the matter. An extension of time may be
12 granted for not to exceed seven days upon a showing of cause. A copy
13 of the report shall be sent to the respondent's attorney, who may con-
14 test the need for an extension of time if one is requested. Extension of
15 time shall be granted upon request unless the request is contested, in
16 which case the court shall make such inquiry as it deems appropriate
17 and may either order the respondent's release from the hospital or
18 grant extension of time for psychiatric evaluation.

1 **SEC. 14. NEW SECTION. Chief medical officer's report.** The
2 chief medical officer's report to the court on the psychiatric evaluation
3 of the respondent shall be made not later than the expiration of the
4 time specified in section thirteen (13) of this Act. At least two copies of
5 the report shall be filed with the clerk, who shall dispose of them in
6 the manner prescribed by section ten (10), subsection two (2) of this
7 Act. The report shall state one of the four following alternative find-
8 ings:

9 1. That the respondent does not, as of the date of the report, require
10 further treatment for serious mental impairment. If the report so

11 states, the court shall order the respondent's immediate release from
12 involuntary hospitalization and terminate the proceedings.

13 2. That the respondent is seriously mentally impaired and in need
14 of full-time custody, care and treatment in a hospital, and is consid-
15 ered likely to benefit from treatment. If the report so states, the court
16 may order the respondent's continued hospitalization for appropriate
17 treatment.

18 3. That the respondent is seriously mentally impaired and in need
19 of treatment, but does not require full-time hospitalization. If the re-
20 port so states it shall include the chief medical officer's recommenda-
21 tion for treatment of the respondent on an outpatient or other
22 appropriate basis, and the court may enter an order directing the re-
23 spondent to submit to the recommended treatment. The order shall
24 provide that if the respondent fails or refuses to submit to treatment as
25 directed by the court's order, he or she shall be taken into custody and
26 treated as a patient requiring full-time custody, care and treatment in
27 a hospital until such time as the chief medical officer reports that the
28 respondent does not require further treatment for serious mental im-
29 pairment or has indicated he or she is willing to submit to treatment
30 on another basis as ordered by the court.

31 4. The respondent is seriously mentally impaired and in need of
32 full-time custody and care, but is unlikely to benefit from further
33 treatment in a hospital. If the report so states, the chief medical officer
34 shall recommend an alternative placement for the respondent and the
35 court may order the respondent's transfer to the recommended place-
36 ment. If the court or the respondent's attorney consider the placement
37 inappropriate, an alternative placement may be arranged upon consulta-
38 tion with the chief medical officer and approval of the court.

1 **SEC. 15. NEW SECTION. Periodic reports required.**

2 1. Not more than thirty days after entry of an order for continued
3 hospitalization of a patient under subsection two (2) of section fourteen
4 (14) of this Act, and thereafter at successive intervals of not more than
5 sixty days continuing so long as involuntary hospitalization of the pa-
6 tient continues, the chief medical officer of the hospital shall report to
7 the court which entered the order. The report shall be submitted in the
8 manner required by section fourteen (14) of this Act, shall state whether
9 the patient's condition has improved, remains unchanged, or has deter-
10 riorated, and shall indicate if possible the further length of time the
11 patient will be required to remain at the hospital. The chief medical
12 officer may at any time report to the court a finding as stated in sub-
13 section four (4) of section fourteen (14) of this Act, and the court shall
14 act thereon as required by that section.

15 2. Not more than sixty days after the entry of a court order for
16 treatment of a patient under subsection three (3) of section fourteen
17 (14) of this Act, and thereafter at successive intervals as ordered by the
18 court but not to exceed ninety days so long as that court order remains
19 in effect, the medical director of the facility treating the patient shall
20 report to the court which entered the order. The report shall state
21 whether the patient's condition has improved, remains unchanged, or
22 has deteriorated, and shall indicate if possible the further length of
23 time the patient will require treatment by the facility. If at any time
24 the patient without good cause fails or refuses to submit to treatment
25 as ordered by the court, the medical director shall at once so notify the
26 court, which shall order the patient hospitalized as provided by section
27 fourteen (14), subsection three (3) of this Act unless the court finds that
28 the failure or refusal was with good cause and that the patient is will-

29 ing to receive treatment as provided in the court's order, or in a revised
 30 order if the court sees fit to enter one. If the medical director at any
 31 time reports to the court that in his opinion the patient requires full-
 32 time custody, care and treatment in a hospital, the court may order
 33 the patient's involuntary hospitalization for appropriate treatment
 34 upon consultation with the chief medical officer of the hospital in
 35 which the patient is to be hospitalized.

36 3. When a patient has been placed in a facility other than a hospital
 37 pursuant to section fourteen (14), subsection four (4) of this Act, a re-
 38 port on the patient's condition and prognosis shall be made to the
 39 court which so placed the patient, at least once every six months. The
 40 report shall be submitted within fifteen days following the inspection,
 41 required by section two hundred twenty-seven point two (227.2) of the
 42 Code, of the facility in which the patient has been placed.

43 4. When in the opinion of the chief medical officer the best interest
 44 of a patient would be served by a convalescent or limited leave or by
 45 transfer to a different hospital for continued full-time custody, care
 46 and treatment, the chief medical officer may authorize the leave or ar-
 47 range and complete the transfer but shall promptly report the leave or
 48 transfer to the court. The patient's attorney or advocate may request a
 49 hearing on a transfer. Nothing in this section shall be construed to add
 50 to or restrict the authority otherwise provided by law for transfer of pa-
 51 tients or residents among various state institutions administered by the
 52 department of social services.

53 5. Upon receipt of any report required or authorized by this section
 54 the court shall furnish a copy to the patient's attorney, or alternatively
 55 to the advocate appointed as required by section nineteen (19) of this
 56 Act. The court shall examine the report and take the action thereon
 57 which it deems appropriate. Should the court fail to receive any report
 58 required by this section or section fourteen (14) of this Act at the time
 59 the report is due, the court shall investigate the reason for the failure
 60 to report and take whatever action may be necessary in the matter.

1 SEC. 16. NEW SECTION. **Discharge and termination of proceed-**
 2 **ing.** When in the opinion of the chief medical officer a patient who is
 3 hospitalized under subsection two (2), or is receiving treatment under
 4 subsection three (3), or is in full-time care and custody under subsec-
 5 tion four (4) of section fourteen (14) of this Act no longer requires treat-
 6 ment or care for serious mental impairment, the chief medical officer
 7 shall tentatively discharge the patient and immediately report that
 8 fact to the court which ordered the patient's hospitalization or care and
 9 custody. The court shall thereupon issue an order confirming the pa-
 10 tient's discharge from the hospital or from care and custody, as the
 11 case may be, and shall terminate the proceedings pursuant to which
 12 the order was issued. Copies of the order shall be sent by certified mail
 13 to the hospital and the patient.

1 SEC. 17. NEW SECTION. **Status of respondent during ap-**
 2 **peal.** Where a respondent appeals to the supreme court from a find-
 3 ing that the contention the respondent is seriously mentally impaired
 4 has been sustained, and the respondent was previously ordered taken
 5 into immediate custody under section eleven (11) of this Act or has
 6 been hospitalized for psychiatric evaluation and appropriate treatment
 7 under section thirteen (13) of this Act before the court is informed of
 8 intent to appeal its finding, the respondent shall remain in custody as
 9 previously ordered by the court, the time limit stated in section eleven
 10 (11) notwithstanding, or shall remain in the hospital subject to compli-
 11 ance by the hospital with sections thirteen (13) through sixteen (16) of
 12 this Act, as the case may be, unless the supreme court orders otherwise.

1 SEC. 18. NEW SECTION. **Status of respondent if hospitalization is**
2 **delayed.** When the court directs that a respondent who was previous-
3 ly ordered taken into immediate custody under section eleven (11) of
4 this Act be placed in a hospital for psychiatric evaluation and appro-
5 priate treatment under section thirteen (13) of this Act, and no suitable
6 hospital can immediately admit the respondent, the respondent shall
7 remain in custody as previously ordered by the court, the time limit
8 stated in section eleven (11) notwithstanding, until a suitable hospital
9 can admit the respondent. The court shall take appropriate steps to ex-
10 pedite the admission of the respondent to a suitable hospital at the
11 earliest feasible time.

1 SEC. 19. NEW SECTION. **Advocate appointed.** The district court
2 in each county shall appoint an individual who has demonstrated by
3 prior activities an informed concern for the welfare and rehabilitation
4 of the mentally ill, and who is not an officer or employee of the de-
5 partment of social services nor of any agency or facility providing care
6 or treatment to the mentally ill, to act as advocate representing the in-
7 terests of all patients involuntarily hospitalized by that court, in any
8 matter relating to the patients' hospitalization or treatment under sec-
9 tions fourteen (14) or fifteen (15) of this Act. The advocate's responsi-
10 bility with respect to any patient shall begin at whatever time the
11 attorney employed or appointed to represent that patient as respon-
12 dent in hospitalization proceedings, conducted under sections six (6)
13 through thirteen (13) of this Act, reports to the court that his or her ser-
14 vices are no longer required and requests the court's approval to with-
15 draw as counsel for that patient. The clerk shall furnish the advocate
16 with a copy of the court's order approving the withdrawal. The advo-
17 cate's duties shall include reviewing each report submitted pursuant to
18 sections fourteen (14) and fifteen (15) of this Act concerning any pa-
19 tient whose interests, as a patient, the advocate is required to represent
20 under this section, and if the advocate is not an attorney, advising the
21 court at any time it appears that the services of an attorney are re-
22 quired to properly safeguard the patient's interests. The court shall
23 from time to time prescribe reasonable compensation for the services of
24 the advocate. Such compensation shall be based upon reports filed by
25 the advocate at such times and in such forms as the court shall pre-
26 scribe. The report shall briefly state what the advocate has done with
27 respect to each patient and the amount of time spent. The advocate's
28 compensation shall be paid on order of the court from the county men-
29 tal health and institutions fund of the county in which the court is lo-
30 cated.

1 SEC. 20. NEW SECTION. **Respondents charged with or convicted**
2 **of crime.**

3 1. If the court orders a respondent placed in a hospital for psychiat-
4 ric evaluation and appropriate treatment at a time when the respon-
5 dent has been convicted of a public offense, or when there is pending
6 against the respondent an unresolved formal charge of a public of-
7 fense, and the respondent's liberty has therefore been restricted in any
8 manner, the finding of fact required by section thirteen (13) of this Act
9 shall clearly so inform the chief medical officer of the hospital where
10 the respondent is placed.

11 2. When a proceeding under section six (6) and succeeding sections of
12 this Act arises under sections seven hundred eighty-three point five
13 (783.5) or seven hundred eighty-nine point eight (789.8) of the Code,
14 and the respondent through his attorney waives the hearing otherwise
15 required by section twelve (12) of this Act, the court may immediately

16 order the respondent placed in a hospital for a complete psychiatric
17 evaluation and appropriate treatment pursuant to section thirteen (13)
18 of this Act. In such cases, the court may in its discretion order or waive
19 the physician's examination otherwise required under section ten (10)
20 of this Act.

1 **SEC. 21. NEW SECTION. Judicial hospitalization referee.**

2 1. As soon as practicable after the adoption of this Act the judges in
3 each judicial district shall meet and shall determine, individually for
4 each county in the district, whether it appears that one or more district
5 judges will be sufficiently accessible in that county to make it feasible
6 for them to perform at all times the duties prescribed by sections seven
7 (7) through twenty (20) of this Act and by chapter two hundred twenty-
8 four (224) of the Code. If the judges find that accessibility of district
9 court judges in any county is not sufficient for this purpose, the chief
10 judge of the district shall appoint in that county a judicial hospitaliza-
11 tion referee. The judges in any district may at any time review their
12 determination, previously made under this subsection with respect to
13 any county in the district, and pursuant to that review may authorize
14 appointment of a judicial hospitalization referee, or abolish the office,
15 in that county.

16 2. The judicial hospitalization referee shall be an attorney, licensed
17 to practice law in this state, who shall be chosen with consideration to
18 any training, experience, interest, or combination of those factors,
19 which are pertinent to the duties of the office. The referee shall hold
20 office at the pleasure of and receive compensation at a rate fixed by
21 the chief judge of the district. If the referee expects to be absent from
22 the county for any significant length of time, the referee shall inform
23 the chief judge who may appoint a temporary substitute judicial hospi-
24 talization referee having the qualifications set forth in this subsection.

25 3. When an application for involuntary hospitalization is filed with
26 the clerk of the district court in any county for which a judicial hospi-
27 talization referee has been appointed, and no district judge is accessi-
28 ble in the county, the clerk shall immediately notify the referee in the
29 manner required by section seven (7) of this Act. The referee shall
30 thereupon discharge all of the duties imposed upon judges of the dist-
31 rict court by sections seven (7) through twenty (20) of this Act in the
32 proceeding so initiated. Upon termination of the proceeding or issu-
33 ance of an order under section thirteen (13) of this Act, the referee
34 shall transmit either to the chief judge, or another judge of the district
35 court designated by the chief judge, a statement of the reasons for the
36 referee's action and a copy of any order issued.

37 4. Any respondent with respect to whom the judicial hospitalization
38 referee has found the contention that he or she is seriously mentally
39 impaired sustained by clear and convincing evidence presented at a
40 hearing held under section twelve (12) of this Act, may appeal from the
41 referee's finding to a judge of the district court by giving the clerk no-
42 tice in writing, within seven days after the referee's finding is made,
43 that an appeal therefrom is taken. The appeal may be signed by the
44 respondent or by the respondent's next friend, guardian or attorney.
45 When so appealed, the matter shall stand for trial de novo. Upon ap-
46 peal, the court shall schedule a hospitalization hearing before a district
47 judge at the earliest practicable time.

48 5. If the appellant is in custody under the jurisdiction of the district
49 court at the time of service of the notice of appeal, he or she shall be
50 discharged from custody unless an order that the appellant be taken
51 into immediate custody has previously been issued under section elev-

52 en (11) of this Act, in which case the appellant shall be detained as
53 provided in that section until the hospitalization hearing before the
54 district judge. If the appellant is in the custody of a hospital at the
55 time of service of the notice of appeal, he or she shall be discharged
56 from custody pending disposition of the appeal unless the chief medi-
57 cal officer, not later than the end of the next secular day on which the
58 office of the clerk is open and which follows service of the notice of ap-
59 peal, files with the clerk a certification that in the chief medical offi-
60 cer's opinion the appellant is seriously mentally ill. In that case, the
61 appellant shall remain in custody of the hospital until the hospitaliza-
62 tion hearing before the district court.

63 6. The hospitalization hearing before the district judge shall be held,
64 and the judge's finding shall be made and an appropriate order en-
65 tered, as prescribed by sections twelve (12) and thirteen (13) of this Act.
66 If the judge orders the appellant hospitalized for a complete psychiat-
67 ric evaluation, jurisdiction of the matter shall revert to the judicial
68 hospitalization referee.

1 **SEC. 22. NEW SECTION. Hospitalization—emergency procedure.**

2 1. The procedure prescribed by this section shall not be used unless
3 it appears that a person should be immediately detained due to serious
4 mental impairment, but that person cannot be immediately detained
5 by the procedure prescribed in sections six (6) and eleven (11) of this
6 Act because there is no means of immediate access to the district court.

7 2. In the circumstances described in subsection one (1) of this section,
8 any peace officer who has reasonable grounds to believe that a person
9 is mentally ill, and because of that illness is likely to physically injure
10 himself or herself or others if not immediately detained, may without
11 a warrant take or cause that person to be taken to the nearest available
12 facility as defined in section eleven (11), subsections two (2) and three
13 (3) of this Act. Immediately upon taking the person into custody, the
14 nearest available magistrate, as defined in section seven hundred forty-
15 eight point one (748.1) of the Code, shall be notified and shall immedi-
16 ately proceed to the facility. The magistrate shall in the manner pre-
17 scribed by section eight (8), subsection one (1) of this Act insure that
18 the person has or is provided legal counsel at the earliest practicable
19 time, and shall arrange for the counsel to be present, if practicable, be-
20 fore proceeding under this section. The peace officer who took the per-
21 son into custody shall remain until the magistrate's arrival and shall
22 describe the circumstances of the detention to the magistrate. If the
23 magistrate finds that there is probable cause to believe that the person
24 is seriously mentally impaired, and because of that impairment is like-
25 ly to physically injure himself or herself or others if not immediately
26 detained, he or she shall enter a written order for the person to be de-
27 tained in custody and, if the facility where the person is at that time is
28 not an appropriate hospital, transported to an appropriate hospital.
29 The magistrate's order shall state the circumstances under which the
30 person was taken into custody and the grounds supporting the finding
31 of probable cause to believe that he or she is seriously mentally im-
32 paired and likely to physically injure himself or herself or others if not
33 immediately detained. A certified copy of the order shall be delivered
34 to the chief medical officer of the hospital where the person is de-
35 tained, at the earliest practicable time.

36 3. The chief medical officer of the hospital shall examine and may
37 detain and care for the person taken into custody under the magis-
38 trate's order for a period not to exceed forty-eight hours, excluding
39 Saturdays, Sundays and holidays. The hospital may provide treatment

40 which is necessary to preserve the person's life, or to appropriately control
41 behavior by the person which is likely to result in physical injury
42 to himself or herself or others if allowed to continue, but may not otherwise
43 provide treatment to the person without his or her consent. The
44 person shall be discharged from the hospital and released from custody
45 not later than the expiration of that period, unless an application for
46 his or her involuntary hospitalization is sooner filed with the clerk pursuant
47 to section six (6) of this Act. The detention of any person by the
48 procedure and not in excess of the period of time prescribed by this section
49 shall not render the peace officer, physician or hospital so detaining
50 that person liable in a criminal or civil action for false arrest or
51 false imprisonment if the peace officer, physician or hospital had reasonable
52 grounds to believe the person so detained was mentally ill and
53 likely to physically injure himself or herself or others if not immediately
54 detained.

55 4. The cost of hospitalization at a public hospital of a person detained
56 temporarily by the procedure prescribed in this section shall be
57 paid in the same way as if the person had been admitted to the hospital
58 by the procedure prescribed in sections six (6) through thirteen (13)
59 of this Act.

1 **SEC. 23. NEW SECTION. Rights and privileges of hospitalized**
2 **persons.** Every person who is hospitalized or detained under this Act
3 shall have the right to:

4 1. Prompt evaluation, emergency psychiatric services, and care and
5 treatment as indicated by sound medical practice.

6 2. The right to refuse treatment by shock therapy or chemotherapy,
7 unless the use of these treatment modalities is specifically consented to
8 by the patient's next-of-kin or guardian.

9 3. In addition to protection of his constitutional rights, enjoyment
10 of other legal, medical, religious, social, political, personal and work-
11 ing rights and privileges which he would enjoy if he were not so hospital-
12 ized or detained, so far as is possible consistent with effective
13 treatment of that person and of the other patients of the hospital. If
14 the patient's rights are restricted, the physician's direction to that effect
15 shall be noted on the patient's record. The department of social
16 services shall, in accordance with chapter seventeen A (17A) of the
17 Code establish rules setting forth the specific rights and privileges to
18 which persons so hospitalized or detained are entitled under this section,
19 and the exceptions provided by section seventeen A point two
20 (17A.2), subsection seven (7), paragraphs a and k, shall not be applica-
21 ble to the rules so established. The patient or his or her next-of-kin or
22 friend shall be advised of these rules and be provided a written copy
23 upon the patient's admission to or arrival at the hospital.

1 **SEC. 24. NEW SECTION. Records of involuntary hospitalization**
2 **proceeding to be confidential.**

3 1. All papers and records pertaining to any involuntary hospitaliza-
4 tion or application for involuntary hospitalization of any person under
5 this Act, whether part of the permanent record of the court or of a file
6 in the department of social services, are subject to inspection only
7 upon an order of the court for good cause shown. Nothing in this section
8 shall prohibit a hospital from complying with the requirements of
9 this Act and of chapter two hundred thirty (230) of the Code relative to
10 financial responsibility for the cost of care and treatment provided a
11 patient in that hospital, nor from properly billing any responsible rela-
12 tive or third-party payer for such care and treatment.

13 2. If authorized in writing by a person who has been the subject of
 14 any proceeding or report under sections six (6) through thirteen (13) or
 15 section twenty-two (22) of this Act, or by the parent or guardian of that
 16 person, information regarding that person which is confidential under
 17 subsection one (1) of this section may be released to any designated
 18 person.

1 SEC. 25. NEW SECTION. **Medical records to be confidential—ex-**
 2 **ceptions.** The records maintained by a hospital relating to the exam-
 3 ination, custody, care and treatment of any person in that hospital
 4 pursuant to this Act shall be confidential, except that the chief medical
 5 officer may release appropriate information when:

6 1. The information is requested by a licensed physician or attorney
 7 who provides the chief medical officer with a written waiver signed by
 8 the person about whom the information is sought; or

9 2. The information is sought by a court order; or

10 3. The information is requested for the purpose of research into the
 11 causes, incidence, nature and treatment of mental illness, however in-
 12 formation shall not be provided under this subsection in a way that
 13 discloses patients' names or which otherwise discloses any patient's
 14 identity; or

15 4. The person who is hospitalized or that person's guardian, if the
 16 person is a minor or is not legally competent to do so, signs an infor-
 17 mal consent to release information. Each signed consent shall desig-
 18 nate specifically the person or agency to whom the information is to be
 19 sent, and the information may be sent only to that person or agency.

1 SEC. 26. NEW SECTION. **Exclusive procedure for involuntary**
 2 **hospitalization.** Sections six (6) through twenty (20), inclusive, of
 3 this Act shall constitute the exclusive procedure for involuntary hospi-
 4 talization of persons by reason of serious mental impairment in this
 5 state, except that nothing in this Act shall negate the provisions of sec-
 6 tions two hundred forty-five point twelve (245.12) and two hundred forty-
 7 six point sixteen (246.16) of the Code relative to transfer of mentally
 8 ill prisoners to state hospitals for the mentally ill.

1 SEC. 27. NEW SECTION. **Hospitalization not to equate with in-**
 2 **competency—procedure for finding incompetency due to mental**
 3 **illness.**

4 1. Hospitalization of any person under this Act, either voluntarily
 5 or involuntarily, shall not be deemed to constitute a finding of or to
 6 equate with nor raise a presumption of incompetency, or to cause the
 7 person so hospitalized to be deemed a lunatic, a person of unsound
 8 mind, or a person under legal disability for any purpose including but
 9 not limited to any circumstances to which sections four hundred forty-
 10 seven point seven (447.7), four hundred seventy-two point fifteen
 11 (472.15), five hundred forty-five point two (545.2), subsection thirteen
 12 (13), five hundred forty-five point eleven (545.11), subsection seven (7),
 13 five hundred forty-five point thirty-six (545.36), five hundred sixty-
 14 seven point seven (567.7), five hundred ninety-five point three (595.3),
 15 five hundred ninety-seven point six (597.6), five hundred ninety-eight
 16 point twenty-nine (598.29), six hundred fourteen point eight (614.8), six
 17 hundred fourteen point nineteen (614.19), six hundred fourteen point
 18 twenty-two (614.22), six hundred fourteen point twenty-four (614.24),
 19 six hundred fourteen point twenty-seven (614.27), six hundred twenty-
 20 two point six (622.6), six hundred thirty-three point two hundred forty-
 21 four (633.244), six hundred thirty-three point two hundred sixty-six
 22 (633.266), subsection four (4), and six hundred seventy-five point
 23 twenty-one (675.21) of the Code are applicable.

24 2. The applicant may, in initiating a petition for involuntary hospi-
 25 talization of a person under section six (6) of this Act or at any subse-
 26 quent time prior to conclusion of the involuntary hospitalization
 27 proceeding, also petition the court for a finding that the person is in-
 28 competent by reason of mental illness. The test of competence for the
 29 purpose of this section shall be whether the person possesses sufficient
 30 mind to understand in a reasonable manner the nature and effect of
 31 the act in which he or she is engaged; the fact that a person is mental-
 32 ly ill and in need of treatment for that illness but because of the illness
 33 lacks sufficient judgment to make responsible decisions with respect to
 34 his or her hospitalization or treatment does not necessarily mean that
 35 that person is incapable of transacting business on any subject.

36 3. A hearing limited to the question of the person's competence and
 37 conducted in substantially the manner prescribed in sections six
 38 hundred thirty-three point five hundred fifty-two (633.552) through six
 39 hundred thirty-three point five hundred fifty-six (633.556) of the Code
 40 shall be held when:

41 a. The court is petitioned or proposes upon its own motion to find
 42 incompetent by reason of mental illness a person whose involuntary
 43 hospitalization has been ordered under sections thirteen (13) or four-
 44 teen (14) of this Act, and who contends that he or she is not incompe-
 45 tent; or

46 b. A person previously found incompetent by reason of mental ill-
 47 ness under subsection two (2) of this section petitions the court for a
 48 finding that he or she is no longer incompetent and, after notice to the
 49 applicant who initiated the petition for hospitalization of the person
 50 and to any other party as directed by the court, an objection is filed
 51 with the court. The court may order a hearing on its own motion be-
 52 fore acting on a petition filed under this paragraph. A petition by a
 53 person for a finding that he or she is no longer incompetent may be
 54 filed at any time without regard to whether the person is at that time
 55 hospitalized for treatment of mental illness.

56 4. Upon petitioning the court for a finding that a respondent is in-
 57 competent by reason of mental illness, the applicant may also request
 58 the court to appoint a conservator for the respondent. The court may
 59 appoint a temporary conservator as provided by section six hundred
 60 thirty-three point five hundred seventy-three (633.573) of the Code, or
 61 may defer a decision on the appointment of a conservator until a re-
 62 port is received under section thirteen (13) of this Act if the respondent
 63 is hospitalized for evaluation pursuant to that section.

64 5. Nothing in this Act shall preclude use of any other procedure au-
 65 thorized by law for declaring any person legally incompetent for rea-
 66 sons which may include mental illness, without regard to whether that
 67 person is or has been hospitalized for treatment of mental illness.

1 SEC. 28. NEW SECTION. **Hospitalization in certain federal facili-**
 2 **ties.** When a court finds that the contention that a respondent is seri-
 3 ously mentally impaired has been sustained or proposes to order
 4 continued hospitalization of any person, or an alternative placement,
 5 under section fourteen (14), subsection two (2) or four (4) of this Act,
 6 and the court is furnished evidence that the respondent or patient is el-
 7 igible for care and treatment in a facility operated by the veterans ad-
 8 ministration or another agency of the United States government and
 9 that the facility is willing to receive the respondent or patient, the
 10 court may so order. The respondent or patient, when so hospitalized or
 11 placed in a facility operated by the veterans administration or another
 12 agency of the United States government within or outside of this state,
 13 shall be subject to the rules of the veterans administration or other

14 agency, but shall not thereby lose any procedural rights afforded the
 15 respondent or patient by this Act. The chief officer of the facility shall
 16 have, with respect to the person so hospitalized or placed, the same
 17 powers and duties as the chief medical officer of a hospital in this state
 18 would have in regard to submission of reports to the court, retention of
 19 custody, transfer, convalescent leave or discharge. Jurisdiction is re-
 20 tained in the court to maintain surveillance of the person's treatment
 21 and care, and at any time to inquire into that person's mental condi-
 22 tion and the need for continued hospitalization or care and custody.

1 **SEC. 29. NEW SECTION. Transfer to certain federal facili-**
 2 **ties.** Upon receipt of a certificate stating that any person involuntari-
 3 ly hospitalized under this Act is eligible for care and treatment in a
 4 facility operated by the veterans administration or another agency of
 5 the United States government which is willing to receive the person
 6 without charge to the state of Iowa or any county in the state, the
 7 chief medical officer may transfer the person to that facility. Upon so
 8 doing, the chief medical officer shall notify the court which ordered
 9 the person's hospitalization in the same manner as would be required
 10 in the case of a transfer under section fifteen (15), subsection four (4) of
 11 this Act, and the person transferred shall be entitled to the same rights
 12 as he or she would have under that subsection. No person shall be
 13 transferred under this section who is confined pursuant to conviction of
 14 a public offense or whose hospitalization was ordered upon contention
 15 of incompetence to stand trial by reason of mental illness, without
 16 prior approval of the court which ordered that person's hospitalization.

1 **SEC. 30. NEW SECTION. Orders of courts in other states.** A
 2 judgment or order of hospitalization or commitment by a court of com-
 3 petent jurisdiction of another state or the District of Columbia, under
 4 which any person is hospitalized or placed in a facility operated by the
 5 veterans administration or another agency of the United States govern-
 6 ment, shall have the same force and effect with respect to that person
 7 while he or she is in this state as the judgment or order would have if
 8 the person were in the jurisdiction of the court which issued it. That
 9 court shall be deemed to have retained jurisdiction of the person so
 10 hospitalized or placed for the purpose of inquiring into that person's
 11 mental condition and the need for continued hospitalization or care
 12 and custody, as do courts in this state under section twenty-eight (28)
 13 of this Act. Consent is hereby given to the application of the law of
 14 the state or district in which is situated the court which issued the
 15 judgment or order as regards authority of the chief officer of any facil-
 16 ity, operated in this state by the veterans administration or another
 17 agency of the United States government, to retain custody, transfer,
 18 place on convalescent leave or discharge the person so hospitalized or
 19 committed.

1 **SEC. 31.** Sections two hundred twenty-nine point one (229.1)
 2 through two hundred twenty-nine point thirty (229.30), inclusive, Code
 3 1975, are repealed and sections one (1) through thirty (30) of this Act
 4 adopted in lieu thereof.

1 **SEC. 32.** Section four point one (4.1), subsection six (6), Code 1975,
 2 is amended to read as follows:

3 6. Mentally ill. The words "mentally ill person" include mental
 4 retardates, lunatics, distracted persons, and persons of unsound mind.
 5 *No person who is hospitalized or detained for treatment of mental*
 6 *illness shall be deemed or presumed to be incompetent in the ab-*
 7 *sence of a finding of incompetence made pursuant to section*
 8 *twenty-seven (27) of this Act.*

1 SEC. 33. Section forty-eight point thirty (48.30), Code 1975, is
2 amended to read as follows:

3 **48.30 Notification of changes in registration.** The clerk of the
4 district court shall promptly notify the county commissioner of regis-
5 tration of changes of name and of convictions of infamous crimes or
6 felonies, of legal declarations of ~~mental~~ incompetence *made after a*
7 *proceeding held pursuant to section twenty-seven (27) of this Act,*
8 and of diagnosis of severe or profound mental retardation, ~~or of severe~~
9 ~~psychiatric illness~~ of persons of voting age. The clerk of the district
10 court shall also notify the county commissioner of registration of the
11 restoration of citizenship of a person who has been convicted of an in-
12 famous crime or felony and of the finding that a person is of good
13 mental health. The notice will not restore voter registration. The coun-
14 ty commissioner of registration shall notify the person whose citizen-
15 ship has been restored or who has been declared to be in good mental
16 health that his registration to vote was canceled and he must register
17 again to become a qualified elector.

1 SEC. 34. Section forty-eight point thirty-one (48.31), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. The clerk of district court sends notification of a legal determina-
4 tion that the elector is severely or profoundly mentally retarded, or
5 has been ~~diagnosed as ill for severe psychiatric reasons found incompe-~~
6 ~~tent in a proceeding held pursuant to section twenty-seven (27) of~~
7 ~~this Act, or is otherwise~~ under conservatorship or guardianship by reason
8 of incompetency. Certification by the ~~superintendent of a mental~~
9 ~~health hospital or other institution upon the discharge of clerk that~~
10 ~~any such person that he is, at that time, restored to good mental~~
11 ~~health shall qualify such person to again be an elector, subject to the~~
12 ~~other provisions of this chapter. Termination has been found no long-~~
13 ~~er incompetent by a court, or the termination~~ by the court of any
14 such conservatorship or guardianship shall qualify any such ward to
15 again be an elector, subject to the other provisions of this chapter.

1 SEC. 35. Section two hundred eighteen point forty-six (218.46), sub-
2 section two (2), Code 1975, is amended to read as follows:

3 2. The directors of such state institutions are authorized to provide
4 services and facilities for the scientific observation, rechecking and
5 treatment of mentally ill persons within the state. Application by, or
6 on behalf of, any person for such services and facilities shall be made
7 to the director in charge of the particular institution involved and shall
8 be made on forms furnished by such director. The time and place of
9 admission of any person to outpatient or clinical services and facilities
10 for scientific observation, rechecking and treatment and the use of such
11 services and facilities for the benefit of persons who have already been
12 ~~committed hospitalized for psychiatric evaluation and appropriate~~
13 ~~treatment or involuntarily hospitalized~~ as seriously mentally ill
14 shall be in accordance with rules and regulations adopted by the direc-
15 tor in control of the particular institution involved.

1 SEC. 36. Section two hundred eighteen point ninety-two (218.92),
2 Code 1975, is amended to read as follows:

3 **218.92 Dangerous mental patients.** Whenever a patient in any
4 state hospital-school for the mentally retarded, any mental health in-
5 stitute, or any institution under the administration of the director of
6 the division of mental health of the department of social services, has
7 become so mentally disturbed as to constitute a danger to self, to other
8 patients in the institution or to the public, and the institution involved

9 cannot provide adequate security, the director of ~~such institution~~ *men-*
 10 *tal health* with the consent of the director of corrections of the depart-
 11 ment of social services may order the patient to be transferred to the
 12 Iowa security medical facility, provided that the executive head of the
 13 institution ~~involved~~ *from which the patient is to be transferred*, with
 14 the support of a majority of his medical staff, recommends the transfer
 15 in the interest of the patient, other patients or the public. ~~The order of~~
 16 ~~the director of the division of mental health shall have the same force~~
 17 ~~and effect as a warrant of commitment for mental illness.~~ *If the pa-*
 18 *tient transferred was hospitalized pursuant to sections six (6)*
 19 *through fifteen (15) of this Act, the transfer shall be promptly re-*
 20 *ported to the court which hospitalized the patient, as required by*
 21 *section fifteen (15), subsection three (3), of this Act. The Iowa secu-*
 22 *rity medical facility shall have the same rights, duties and responsi-*
 23 *bilities with respect to the patient as the institution from which the*
 24 *patient was transferred had while the patient was hospitalized*
 25 *there. The cost of the transfer shall be paid from the funds of the insti-*
 26 *tution from which the transfer is made.*

1 SEC. 37. Section two hundred eighteen point ninety-five (218.95),
 2 subsection one (1), Code 1975, is amended to read as follows:

3 1. "Mentally ill" and "insane", *except that the hospitalization or*
 4 *detention of any person for treatment of mental illness shall not*
 5 *constitute a finding or create a presumption that the individual is*
 6 *legally insane in the absence of a finding of incompetence made*
 7 *pursuant to section twenty-seven (27) of this Act;*

1 SEC. 38. Section two hundred twenty-two point seven (222.7), Code
 2 1975, is amended to read as follows:

3 **222.7 Transfers.** The state director may transfer patients from
 4 one state hospital-school to the other and may at any time transfer
 5 any patient from the hospital-schools to the hospitals for the mentally
 6 ill, or ~~from the latter to the former~~, transfer patients in the hospital-
 7 schools to a special unit or vice versa, or make such transfers as are per-
 8 mitted in section 218.92. *The state director may also transfer patients*
 9 *from a hospital for the mentally ill to a hospital-school if:*

10 1. *In the case of a patient who entered the hospital for the men-*
 11 *tally ill voluntarily, consent is given in advance by the patient or, if*
 12 *the patient is a minor or is incompetent, the person responsible for*
 13 *the patient.*

14 2. *In the case of a patient hospitalized pursuant to sections six*
 15 *(6) through fifteen (15) of this Act, the consent of the court which*
 16 *hospitalized the patient is obtained in advance, rather than after-*
 17 *ward as otherwise permitted by section fifteen (15), subsection three*
 18 *(3) of this Act.*

1 SEC. 39. Section two hundred twenty-two point fifty-five (222.55),
 2 Code 1975, is amended to read as follows:

3 **222.55 Procedure as mentally ill person.** If it appears at any
 4 time that a person has under the provisions of this chapter been placed
 5 under guardianship or committed to a private institution and should
 6 be ~~committed to~~ *evaluated and treated in a hospital for the mentally*
 7 *ill, the person may be proceeded against hospitalized under any of the*
 8 *chapters relating to the mentally ill provisions of sections two (2)*
 9 *through fifteen (15) of this Act.*

1 SEC. 40. Section two hundred twenty-three point eight (223.8), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Chapter 230 shall govern the determination of the costs and charges
 5 for the care and treatment of mentally ill patients admitted to the
 6 Iowa security medical facility as direct civil commitments upon author-
 7 ization of ~~a county hospitalization commission~~ *the district court, or as*
 8 persons having no legal settlement in this state. The charge for the cost
 9 of other admittees shall be as follows:

1 SEC. 41. Section two hundred twenty-four point one (224.1), Code
 2 1975, is amended to read as follows:

3 **224.1 Commitment.** Persons addicted to the excessive use of any
 4 controlled substance contained in schedules I, II, III, or IV of chapter
 5 204 may be committed by the ~~commissioners of hospitalization~~ *district*
 6 *court* of each county to such institutions as the commissioner of the
 7 state department of social services may designate, or to such private fa-
 8 cilities as the Iowa drug abuse authority may designate; or to any hospi-
 9 tal accredited to give psychiatric care, provided that, commitments
 10 to private facilities shall only be made upon approval of the board of
 11 supervisors or upon agreement by the patient or responsible relatives to
 12 pay the full costs of treatment and upon having made the necessary ar-
 13 rangements for admission and support.

1 SEC. 42. Section two hundred twenty-five point ten (225.10), Code
 2 1975, is amended to read as follows:

3 **225.10 Application for admission—Voluntary public patients.**
 4 Persons suffering from mental diseases may be admitted as ~~committed~~
 5 *voluntary public patients* as follows: Any physician authorized to
 6 practice ~~his profession~~ *medicine, osteopathy or osteopathic medicine*
 7 in the state of Iowa ~~or any citizen of the state~~ may file information
 8 with any district court of the state or with any judge thereof, ~~alleging~~
 9 *stating that the physician has examined the person named therein*
 10 *and finds that the person is suffering from some abnormal mental*
 11 *condition that can probably be remedied by observation, treatment,*
 12 *and hospital care; that the physician believes it would be appropri-*
 13 *ate for the person to enter the state psychopathic hospital for that*
 14 *purpose and that the person is willing to do so; and that he is, of*
 15 ~~himself or through~~ *neither the person nor those legally responsible for*
 16 ~~him, unable~~ *the person are able to provide the means for such observa-*
 17 *tion and hospital care.*

1 SEC. 43. Section two hundred twenty-five point eleven (225.11),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **225.11 Initiating commitment procedures.** When a court finds
 5 upon completion of a hearing held pursuant to section twelve (12) of
 6 this Act that the contention that a respondent is seriously mentally im-
 7 paired has been sustained by clear and convincing evidence, and the
 8 application filed under section six (6) of this Act also contends or the
 9 court otherwise concludes that it would be appropriate to refer the re-
 10 spondent to the state psychopathic hospital for a complete psychiatric
 11 evaluation and appropriate treatment pursuant to section thirteen (13)
 12 of this Act, the judge may order that a financial investigation be made
 13 in the manner prescribed by section two hundred twenty-five point
 14 thirteen (225.13) of the Code.

1 SEC. 44. Section two hundred twenty-five point twelve (225.12),
 2 Code 1975, is amended to read as follows:

3 **225.12 Examination and Voluntary public patient—physician's**
 4 **report.** ~~Said~~ *A physician filing an information under section two*
 5 *hundred twenty-five point ten (225.10) of the Code shall make in-*

6 *clude a written report to the said judge, giving such a history of the*
 7 *case as will be likely to aid in the observation, treatment, and hospital*
 8 *care of said the person named in the information and describing the*
 9 *same, all in detail, and stating whether or not, in his opinion, the said*
 10 *person would probably be helped by observation, treatment, and hospi-*
 11 *tal care in said state psychopathic hospital. Such report shall be made*
 12 *within such time as may be fixed by the court.*

1 SEC. 45. Section two hundred twenty-five point thirteen (225.13),
 2 Code 1975, is amended to read as follows:

3 **225.13 Financial condition.** It shall be the duty of the said
 4 judge to have a thorough investigation made by the county attorney of
 5 the county in which of residence of the said person resides named in
 6 the information, regarding his the financial condition and the finan-
 7 cial condition of that person and of those legally responsible for him
 8 that person.

1 SEC. 46. Section two hundred twenty-five point fourteen (225.14),
 2 Code 1975, is amended to read as follows:

3 **225.14 Notice—trial Finding and order.** Upon the filing of such
 4 the report or reports, said of a financial investigation made pursu-
 5 ant to an order issued under section two hundred twenty-five point
 6 eleven (225.11) of the Code, the judge of the district court as aforesaid
 7 shall fix a day for the hearing upon the complaint and shall cause the
 8 person or those legally responsible for him to be served with a notice of
 9 the hearing; and he shall also notify the county attorney, who shall
 10 appear and conduct the proceedings, and upon such complaint evi-
 11 dence may be introduced. Upon such hearing the person against whom
 12 the complaint is made shall be entitled to a trial by jury review it and
 13 make a determination in the matter. If the judge or jury finds that
 14 the said person respondent is suffering from an abnormal mental con-
 15 dition which can probably be remedied by observation, medical or
 16 surgical treatment, and hospital care an appropriate subject for refer-
 17 ral to the state psychopathic hospital, and that he, or the respondent
 18 and those legally responsible for him, or her are unable to pay the ex-
 19 penses thereof, said the judge shall enter an order directing that the
 20 said person respondent shall be sent to the state psychopathic hospital
 21 at the state University of Iowa for observation, treatment, and hospital
 22 care as a committed public patient.

1 SEC. 47. Section two hundred twenty-five point fifteen (225.15), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 **225.15 Examination and treatment.** When the patient respon-
 5 dent arrives at said the state psychopathic hospital it shall be the du-
 6 ty of the director, or of some physician acting for him, to examine the
 7 said patient respondent and determine whether or not, in his the phy-
 8 sician's judgment, he the patient is a fit subject for such observation,
 9 treatment, and hospital care. If, upon said examination, he the physi-
 10 cian decides that such patient should be admitted to the said hospital,
 11 the medical director shall provide him the patient with a proper bed in
 12 said the hospital; and the physician or surgeon who shall have charge
 13 of said the patient shall proceed with such observation, medical or
 14 surgical treatment, and hospital care as in his the physician's judg-
 15 ment are proper and necessary, in compliance with sections thirteen
 16 (13) through sixteen (16) of this Act.

1 SEC. 48. Section two hundred twenty-five point sixteen (225.16),
 2 Code 1975, is amended to read as follows:

3 **225.16 Voluntary public patients—commitment admission.** If
 4 the said judge of the district court, or the clerk of the court, as afore-
 5 said, finds from the physician's report information which was filed un-
 6 der the provisions of section ~~225.12~~ *two hundred twenty-five point ten*
 7 *(225.10) of the Code*, that *it would be appropriate for the said person*
 8 *is suffering from an abnormal mental condition which can probably be*
 9 *remedied by observation, medical or surgical treatment, and hospital*
 10 *care to enter the state psychopathic hospital*, and the report of the
 11 county attorney shows that ~~he, or~~ *neither the person nor* those legally
 12 responsible for him, ~~or her~~ are ~~unable~~ *able* to pay the expenses thereof,
 13 ~~said or are able to pay only a part of the expenses~~, *the judge or clerk*
 14 *shall enter an order directing that the said person shall be sent to the*
 15 *state psychopathic hospital at the state University of Iowa for observa-*
 16 *tion, treatment, and hospital care as a voluntary public patient; pro-*
 17 *vided that the said person, or those legally responsible for him, request*
 18 *the said court or judge to commit said person without the hearing*
 19 *which is required under the provisions of section 225.14.*

20 When the said patient arrives at the said hospital, he *or she* shall re-
 21 ceive the same treatment as is provided for committed public patients
 22 in section 225.15.

1 SEC. 49. Section two hundred twenty-five point seventeen (225.17),
 2 Code 1975, is amended to read as follows:

3 **225.17 Committed private patients—treatment.** If the said
 4 judge of the district court, as aforesaid, finds in the hearing as provid-
 5 ed ~~for upon the review and determination made~~ under the provisions
 6 of section 225.14 that the said person is suffering from an abnormal
 7 mental condition which can probably be remedied by observation,
 8 medical or surgical treatment, and hospital care *respondent is an ap-*
 9 *propriate subject for placement at the state psychopathic hospital,*
 10 and that ~~he,~~ *the respondent* or those legally responsible for him, ~~or~~
 11 *her* are able to pay the expenses thereof, ~~said the judge~~ shall enter an
 12 order directing that the ~~said person~~ *respondent* shall be sent to the
 13 state psychopathic hospital at the state University of Iowa for observa-
 14 tion, treatment, and hospital care as a committed private patient.

15 When the ~~said patient~~ *respondent* arrives at the said hospital, he *or*
 16 *she* shall receive the same treatment as is provided for committed pub-
 17 lic patients in section 225.15, *in compliance with sections thirteen*
 18 *(13) through sixteen (16) of this Act.*

1 SEC. 50. Section two hundred twenty-five point twenty (225.20),
 2 Code 1975, is amended to read as follows:

3 **225.20 Compensation for physician.** The physician ~~appointed~~
 4 ~~to make~~ *making* the examination ~~and report on which is based any~~
 5 *information filed under section two hundred twenty-five point ten*
 6 *(225.10) of the Code* shall receive ~~the such sum of five dollars as the~~
 7 *court may direct* for each and every examination ~~and report informa-~~
 8 *tion* so made, and his actual necessary expenses incurred in making
 9 such ~~investigation~~ *examination*, in conformity with the requirements
 10 of this chapter, *if the person named in the information is referred to*
 11 *the state psychopathic hospital.*

1 SEC. 51. Section two hundred twenty-five point twenty-seven
 2 (225.27), Code 1975, is amended to read as follows:

3 **225.27 Discharge—transfer.** The medical director of the state
 4 psychopathic hospital may, at any time, discharge any patient as re-
 5 covered, as improved, or as not likely to be benefited by further treat-
 6 ment, ~~and upon said discharge said.~~ *If the patient being so discharged*

7 *was involuntarily hospitalized, the director shall notify the committing*
 8 *judge or court thereof; and the said as required by section four-*
 9 *teen (14), subsection three (3), or section sixteen (16) of this Act,*
 10 *whichever is applicable. The court or judge shall, if necessary, ap-*
 11 *point some person to accompany said the discharged patient from the*
 12 *said state psychopathic hospital to such place as he the director or the*
 13 *court may designate, or authorize the said medical director to appoint*
 14 *such attendant.*

1 SEC. 52. Section two hundred twenty-five point thirty (225.30),
 2 Code 1975, is amended to read as follows:

3 **225.30 Blanks—audit.** The medical faculty of the hospital of the
 4 college of medicine of the state University of Iowa shall prepare blanks
 5 containing such questions and requiring such information as may be
 6 necessary and proper to be obtained by the physician who examines
 7 ~~the patient under order of court; and such a person or respondent~~
 8 *whose referral to the state psychopathic hospital is contemplated. A*
 9 *judge may request that a physician who examines a respondent as*
 10 *required by section ten (10) of this Act complete such blanks in du-*
 11 *PLICATE in the course of the examination. A physician who proposes*
 12 *to file an information under section two hundred twenty-five point*
 13 *ten (225.10) of the Code shall obtain and complete such blanks in*
 14 *duplicate and file them with the information. The blanks shall be*
 15 *printed by the state and a supply thereof shall be sent to the clerk of*
 16 *each district court of the state. The state comptroller shall audit, al-*
 17 *low, and pay the cost of the blanks as other bills for public printing are*
 18 *allowed and paid.*

1 SEC. 53. Section two hundred twenty-six point nine (226.9), Code
 2 1975, is amended to read as follows:

3 **226.9 Custody of patient.** The superintendent, upon the receipt
 4 of a duly executed order of admission of a patient into the hospital for
 5 the mentally ill, ~~accompanied by the physician's certificate provided~~
 6 ~~by law pursuant to section thirteen (13) of this Act,~~ shall take such
 7 patient into custody and restrain him or her as provided by law and
 8 the rules of the state director, without liability on the part of such su-
 9 perintendent and all other officers of the hospital to prosecution of
 10 any kind on account thereof, but no person shall be detained in the
 11 hospital who is found by the superintendent to be in good mental
 12 health.

1 SEC. 54. Section two hundred twenty-six point sixteen (226.16),
 2 Code 1975, is amended to read as follows:

3 **226.16 Unauthorized departure and retaking.** It shall be the
 4 duty of the superintendent and of all other officers and employees of
 5 any of said hospitals, in case of the unauthorized departure of any *in-*
 6 *voluntarily hospitalized* patient, to exercise all due diligence to take
 7 into protective custody and return said patient to the hospital. A noti-
 8 fication by the superintendent of such unauthorized departure to any
 9 peace officer of the state or to any private person shall be sufficient
 10 authority to such officer or person to take and return such patient to
 11 the hospital.

1 SEC. 55. Section two hundred twenty-six point eighteen (226.18),
 2 Code 1975, is amended to read as follows:

3 **226.18 Investigation as to mental health.** The state director
 4 may investigate the mental condition of any patient and shall dis-
 5 charge any person, if, in his opinion, such person is not mentally ill, or
 6 can be cared for after such discharge without danger to others, and

7 with benefit to the patient; but in determining whether such patient
8 shall be discharged, the recommendation of the superintendent shall be
9 secured. *If the state director orders the discharge of an involuntarily*
10 *hospitalized patient, the discharge shall be by the procedure pre-*
11 *scribed in section sixteen (16) of this Act.* The power to investigate
12 the mental condition of a patient is merely permissive, and does not
13 repeal or alter any statute respecting the discharge or commitment of
14 patients of the state hospitals.

1 SEC. 56. Section two hundred twenty-six point nineteen (226.19),
2 Code 1975, is amended to read as follows:

3 **226.19 Discharge—certificate.** All patients shall be discharged,
4 *by the procedure prescribed in section three (3) or section sixteen*
5 *(16) of this Act, whichever is applicable, immediately on regaining*
6 *their good mental health and the superintendent shall issue duplicate*
7 *certificates of full recovery, one of which he shall deliver to the re-*
8 *covered patient, and the other of which he shall forward to the clerk of*
9 *the district court of the county from which the patient was committed.*

1 SEC. 57. Section two hundred twenty-six point twenty-three
2 (226.23), Code 1975, is amended to read as follows:

3 **226.23 Convalescent leave of patients.** Upon the recommenda-
4 tion of the superintendent, and the written consent of the ~~commission-~~
5 ~~ers of hospitalization of the county which is the legal settlement of a~~
6 ~~district court which ordered hospitalization in the case of an invol-~~
7 ~~untary patient, the state director may place on convalescent leave said~~
8 ~~patient for a period not to exceed one year, under such conditions as~~
9 ~~are prescribed by said state director.~~

1 SEC. 58. Section two hundred twenty-six point twenty-six (226.26),
2 Code 1975, is amended to read as follows:

3 **226.26 Dangerous incurables.** The state director, on the recom-
4 mendation of the superintendent, and on the application of the rela-
5 tives or friends of a patient who is not cured and who cannot be safely
6 allowed to go at liberty, may release such patient when fully satisfied
7 that such relatives or friends will provide and maintain all necessary
8 supervision, care, and restraint over such patient. *If the patient being*
9 *so released was involuntarily hospitalized, the consent of the dis-*
10 *trict court which ordered the patient's hospitalization shall be ob-*
11 *tained in advance in substantially the manner prescribed by section*
12 *fourteen (14), subsection three (3) of this Act.*

1 SEC. 59. Section two hundred twenty-six point thirty-one (226.31),
2 Code 1975, is amended to read as follows:

3 **226.31 Examination by court—notice.** Before granting the order
4 authorized in section 226.30 the court or judge shall investigate the al-
5 legations of the petition and before proceeding to a hearing thereon
6 shall require notice to be served on *the attorney who represented the*
7 *patient in any prior proceedings under sections six (6) through fif-*
8 *teen (15) of this Act or the advocate appointed under section nine-*
9 *teen (19) of this Act, or in the case of a patient who entered the*
10 *hospital voluntarily, on any relative, friend, or guardian of the per-*
11 *son in question of the filing of said application. On such hearing the*
12 *court or judge shall appoint a guardian ad litem for said person, if it*
13 *deems such action necessary to protect the rights of such person.*

1 SEC. 60. Section two hundred twenty-six point thirty-two (226.32),
2 Code 1975, is amended to read as follows:

3 **226.32 Overcrowded conditions.** The state director shall order

4 the discharge or removal from the hospital of incurable and harmless
 5 patients whenever it is necessary to make room for recent cases; ~~and. If~~
 6 *a patient who is to be so discharged entered the hospital voluntarily,*
 7 *the state director shall notify the auditor of the county interested*
 8 *at least ten days in advance of the date of actual discharge.*

1 SEC. 61. Section two hundred twenty-six point thirty-three (226.33),
 2 Code 1975, is amended to read as follows:

3 **226.33 Notice to commissioners.** When a patient who *was hos-*
 4 *pitalized involuntarily and who has not fully recovered is discharged*
 5 *from the hospital without application therefor by the state director*
 6 *under section two hundred twenty-six point thirty-two (226.32) of*
 7 *the Code, notice of the order shall at once be sent to the commissioners*
 8 *of hospitalization of the county of which the patient is a resident, and*
 9 *the commissioners shall forthwith cause the patient to be removed, and*
 10 *shall at once provide for his care in the county as in other cases court*
 11 *which ordered the patient's hospitalization, in the manner pre-*
 12 *scribed by section fourteen (14), subsection four (4) of this Act.*

1 SEC. 62. Section two hundred twenty-seven point ten (227.10), Code
 2 1975, is amended to read as follows:

3 **227.10 Transfers from county or private institutions.** Patients
 4 who are suffering from acute mental illness, and who are violent, and
 5 confined at public expense in any such institution, may be removed by
 6 the state director to the proper state hospital for the mentally ill when,
 7 on competent medical testimony, the state director finds that said pa-
 8 tient can be better cared for and with better hope of recovery in the
 9 state hospital. *If the patient was hospitalized involuntarily, the state*
 10 *director shall report the transfer in the manner required of a chief*
 11 *medical officer under section fifteen (15), subsection four (4) of this*
 12 *Act. Such removal shall be at the expense of the proper county. Said*
 13 *expense shall be recovered as provided in section 227.7.*

1 SEC. 63. Section two hundred twenty-seven point eleven (227.11),
 2 Code 1975, is amended to read as follows:

3 **227.11 Transfers from state hospitals.** A county chargeable
 4 with the expense of a patient in a state hospital for the mentally ill
 5 shall remove such patient to a county or private institution for the
 6 mentally ill which has complied with the aforesaid rules when the state
 7 director so orders on a finding that said patient is suffering from
 8 chronic mental illness or from senility and will receive equal benefit by
 9 being so transferred. A county shall remove to its county home any pa-
 10 tient in a state hospital for the mentally ill upon a finding by a com-
 11 mission, consisting of the superintendent of the state hospital in which
 12 the patient is confined and a physician or physicians chosen by the
 13 board of supervisors of the county of the patient's residence, said phy-
 14 sician or physicians to be paid by the county of the patient's residence,
 15 that such patient can be properly cared for in the county home; and
 16 the finding of the commission, after its approval by the board of super-
 17 visors of the county of the patient's residence, shall be complete au-
 18 thority for such removal. In no case shall a patient be thus transferred
 19 except upon *compliance with section fourteen (14), subsection four*
 20 *(4) of this Act or without the written consent of a relative, friend, or*
 21 *guardian if such relative, friend, or guardian pays the expense of the*
 22 *care of such patient in a state hospital.*

1 SEC. 64. Section two hundred twenty-seven point fifteen (227.15),
 2 Code 1975, is amended to read as follows:

3 **227.15 Authority to confine in hospital.** No person shall be *in-*
4 *voluntarily* confined and restrained in any private institution or hos-
5 pital or county hospital or other general hospital with psychiatric ward
6 for the care or treatment of the mentally ill, except *by the procedure*
7 *prescribed in sections six (6) through fifteen (15) of this Act upon*
8 *the certificate of the commission of hospitalization of the county in*
9 *which such person resides, or of two reputable physicians, at least one*
10 *of whom shall be a bona fide resident of this state, who shall certify*
11 *that such person is a fit subject for treatment and restraint in said in-*
12 *stitution or hospital, which certificate shall be the authority of the*
13 *owners and officers of said hospital or institution for receiving and con-*
14 *fining said patient or person therein.*

1 SEC. 65. Section two hundred twenty-nine point thirty-one (229.31),
2 Code 1975, is amended to read as follows:

3 **229.31 Commission of inquiry.** A sworn complaint, alleging that
4 a named person is not *seriously* mentally ~~ill~~ *impaired* and is unjustly
5 deprived of his liberty in any hospital in the state, may be filed by
6 any person with the clerk of the district court of the county in which
7 such named person is so confined, or of the county in which such
8 named person has a legal settlement, and thereupon a judge of said
9 court shall appoint a commission of not more than three persons to in-
10 quire into the truth of said allegations. One of said commissioners shall
11 be a physician and if additional commissioners are appointed, one of
12 such commissioners shall be a lawyer.

1 SEC. 66. Section two hundred twenty-nine point thirty-two (229.32),
2 Code 1975, is amended to read as follows:

3 **229.32 Duty of commission.** Said commission shall at once pro-
4 ceed to the place where said person is confined and make a thorough
5 and discreet examination for the purpose of determining the truth of
6 said allegations and shall promptly report its findings to said judge in
7 writing. Said report shall be accompanied by a written statement of the
8 case signed by the ~~superintendent~~ *chief medical officer of the hospital*
9 *in which the person is confined.*

1 SEC. 67. Section two hundred twenty-nine point thirty-three
2 (229.33), Code 1975, is amended to read as follows:

3 **229.33 Hearing.** If, on such report and statement, and the hear-
4 ing of testimony if any is offered, the judge shall find that such person
5 is ~~in good mental health, he~~ *not seriously mentally impaired, the*
6 *judge shall order his the person's discharge; if the contrary, he the*
7 *judge shall so state, and authorize his the continued detention of the*
8 *person, subject to all applicable requirements of this Act.*

1 SEC. 68. Section two hundred twenty-nine point thirty-four
2 (229.34), Code 1975, is amended to read as follows:

3 **229.34 Finding and order filed.** The finding and order of the
4 judge, with the report and other papers, shall be filed in the office of
5 the clerk of the court where the complaint was filed. Said clerk shall
6 enter a memorandum thereof on ~~his~~ *the appropriate* record, and forth-
7 with notify the ~~superintendent~~ *chief medical officer* of the hospital of
8 the finding and order of the judge, and the ~~superintendent~~ *chief medi-*
9 *cal officer* shall carry out the order.

1 SEC. 69. Section two hundred twenty-nine point thirty-seven
2 (229.37), Code 1975, is amended to read as follows:

3 **229.37 Habeas corpus.** All persons confined as *seriously* mental-
4 ly ~~ill~~ *impaired* shall be entitled to the benefit of the writ of habeas

5 corpus, and the question of *serious mental illness impairment* shall be
 6 decided at the hearing. If the judge shall decide that the person is *seri-*
 7 *ously* mentally ~~is~~ *impaired*, such decision shall be no bar to the issu-

8 ing of the writ a second time, whenever it shall be alleged that such
 9 person ~~has been restored to reason~~ *is no longer seriously mentally im-*
 10 *paired.*

1 SEC. 70. Section two hundred twenty-nine point thirty-eight
 2 (229.38), Code 1975, is amended to read as follows:

3 **229.38 Cruelty or official misconduct.** If any person having the
 4 care of a mentally ill person *who has voluntarily entered a hospital*
 5 *or other facility for treatment or care, and restraining him or who is*
 6 *responsible for psychiatric examination care, treatment and main-*
 7 *tenance of any person involuntarily hospitalized under sections six*
 8 *(6) through fifteen (15) of this Act, whether in a hospital or else-*
 9 *where, with or without proper authority, shall treat him such patient*
 10 *with unnecessary severity, harshness, or cruelty, or in any way abuse*
 11 *him the patient, or if any person unlawfully detains or deprives of*
 12 *liberty any mentally ill or allegedly mentally ill person, or if any of-*
 13 *ficer required by the provisions of this chapter and chapters 226 to 228,*
 14 *inclusive and two hundred twenty-seven (227) of the Code, to per-*
 15 *form any act shall willfully refuse or neglect to perform the same, he*
 16 *the offending person shall, unless otherwise provided, be fined not to*
 17 *exceed five hundred dollars, or be imprisoned in the county jail not to*
 18 *exceed three months, and pay the costs of prosecution, or be both fined*
 19 *and imprisoned at the discretion of the court.*

1 SEC. 71. Section two hundred twenty-nine point forty-one (229.41),
 2 Code 1975, is amended by striking the first unnumbered paragraph.

1 SEC. 72. Section two hundred twenty-nine point forty-one (229.41),
 2 unnumbered paragraph two (2), Code 1975, is amended to read as fol-
 3 lows:

4 Persons making application ~~directly to the superintendent and pur-~~
 5 *suant to section two (2) of this Act on their own behalf or on behalf*
 6 *of another person who is under eighteen years of age, if the person*
 7 *whose admission is sought is received for observation and treatment*
 8 *on such application, shall be required to pay the costs of hospitaliza-*
 9 *tion at rates established by the state director, which costs may be col-*
 10 *lected weekly in advance and shall be payable at the business office of*
 11 *the hospital. Such collections shall be remitted to the state comptroller*
 12 *monthly to be credited to the general fund of the state.*

1 SEC. 73. Section two hundred twenty-nine point forty-two (229.42),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 If a person wishing to make application for voluntary admission to a
 5 mental hospital is unable to pay the costs of hospitalization or those
 6 responsible for such person are unable to pay such costs, application
 7 for *authorization of* voluntary admission must be made to any clerk of
 8 the district court *before application for admission is made to the hos-*
 9 *pital.* After determining the county of legal settlement the said clerk
 10 shall, on forms provided by the state director, authorize such person's
 11 admission to a mental health hospital as a voluntary case. The clerk
 12 shall at once provide a duplicate copy of the form to the county board
 13 of supervisors. The costs of the hospitalization shall be paid by the
 14 county of legal settlement to the state comptroller and credited to the
 15 general fund of the state, providing the mental health hospital render-
 16 ing the services has certified to the county auditor of the responsible

17 county the amount chargeable thereto and has sent a duplicate state-
18 ment of such charges to the state comptroller.

1 SEC. 74. Section two hundred twenty-nine point forty-three
2 (229.43), Code 1975, is amended to read as follows:

3 **229.43 Nonresidents or no-settlement patients.** The state direc-
4 tor shall have the power to place patients of mental health institutes
5 who have no county of legal settlement; who are nonresidents; or
6 whose legal settlement is unknown, on convalescent leave to a private
7 sponsor or in any health care facility licensed under chapter 135C,
8 when in the opinion of the state director said placement is in the best
9 interests of the patient and the state of Iowa. *If the patient was in-*
10 *voluntarily hospitalized the district court which hospitalized the pa-*
11 *tient must be informed when the patient is placed on convalescent*
12 *leave, as required by section fifteen (15), subsection four (4) of this*
13 *Act.*

1 SEC. 75. Section two hundred thirty point two (230.2), unnumbered
2 paragraph one (1), Code 1975, is amended to read as follows:

3 The ~~commission of hospitalization~~ *district court* shall, when a per-
4 son is ~~found to be mentally ill~~ *ordered placed in a hospital for psy-*
5 *chiatric examination and appropriate treatment*, or as soon
6 thereafter as it obtains the proper information, determine and enter of
7 record whether the legal settlement of said person is:

1 SEC. 76. Section two hundred thirty point three (230.3), Code 1975,
2 is amended to read as follows:

3 **230.3 Certification of settlement.** If such legal settlement is
4 found to be in another county of this state, the ~~commission~~ *court* shall,
5 as soon as said determination is made, certify such finding to the su-
6 perintendent of the hospital to which said patient is admitted or com-
7 mitted, and thereupon said superintendent shall charge the expenses
8 already incurred and unadjusted, and all future expenses of such pa-
9 tient, to the county so certified until said settlement shall be otherwise
10 determined as hereinafter provided.

1 SEC. 77. Section two hundred thirty point four (230.4), Code 1975,
2 is amended to read as follows:

3 **230.4 Certification to debtor county.** Said finding of legal set-
4 tlement shall also be certified by the ~~commission~~ *court* to the county
5 auditor of the county of such legal settlement. Such auditor shall lay
6 such notification before the board of supervisors of his county, and it
7 shall be conclusively presumed that such person has a legal settlement
8 in said notified county unless said county shall, within ~~six months~~ *six-*
9 *ty days give notice*, in writing ~~filed with the commission of hospitali-~~
10 ~~zation giving said notice, dispute such to the court that the county~~
11 *disputes the finding of legal settlement.*

1 SEC. 78. Section two hundred thirty point five (230.5), Code 1975, is
2 amended to read as follows:

3 **230.5 Nonresidents.** If such legal settlement is found by the
4 ~~commission~~ *court* to be in some foreign state or country, or unknown,
5 it shall, ~~without entering an order of admission or commitment to the~~
6 ~~state hospital,~~ immediately notify the state director of such finding
7 and furnish the state director with a copy of the evidence taken on the
8 question of legal settlement, and ~~hold said patient for investigation by~~
9 ~~said state director shall in its order issued pursuant to section thir-~~
10 ~~teen (13) of this Act direct that the patient be hospitalized at the~~
11 *appropriate state hospital for the mentally ill.*

1 SEC. 79. Section two hundred thirty point six (230.6), subsections
2 one (1) and two (2), Code 1975, are amended to read as follows:

3 1. If the state director finds that the decision of the ~~commission of~~
4 ~~hospitalization court~~ as to legal settlement is correct, the state director
5 shall cause said patient either to be transferred to a state hospital for
6 the mentally ill ~~and there maintained~~ at the expense of the state, or to
7 be transferred, *with approval of the court as required by this Act*, to
8 the place of foreign settlement.

9 2. If the state director finds that the decision of the ~~commission of~~
10 ~~hospitalization court~~ is not correct, the state director shall order said
11 patient ~~transferred to be maintained at~~ a state hospital for the men-
12 tally ill ~~and there maintained~~ at the expense of the ~~county of legal set-~~
13 ~~tlement in this state, and shall at once inform the court of such~~
14 *finding and request that the court's order be modified accordingly.*

1 SEC. 80. Section two hundred thirty point seven (230.7), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **230.7 Transfer of nonresidents.** Upon determining that a pa-
5 tient in a state hospital who has been involuntarily hospitalized under
6 this Act or admitted voluntarily at public expense was not a resident of
7 this state at the time of the involuntary hospitalization or admission,
8 the state director may cause that patient to be conveyed to his or her
9 place of residence. However, a transfer under this section may be made
10 only if the patient's condition so permits and other reasons do not ren-
11 der the transfer inadvisable. If the patient was involuntarily hospital-
12 ized, prior approval of the transfer must be obtained from the court
13 which ordered the patient hospitalized.

1 SEC. 81. Section three hundred twenty-one point one hundred
2 seventy-seven (321.177), subsection five (5), Code 1975, is amended to
3 read as follows:

4 5. To any person, as an operator or chauffeur, who has previously
5 been adjudged to be ~~afflicted with or suffering from any mental dis-~~
6 ~~ability or disease incompetent by reason of mental illness~~ and who
7 has not at the time of application been restored to competency by the
8 methods provided by law. ~~Provided, however, that the department~~
9 ~~may issue such license when said mentally ill person is placed on pa-~~
10 ~~role or convalescent leave, when advised in writing that the medical~~
11 ~~staff and superintendent of the institution in which the person has~~
12 ~~been hospitalized recommend the issuance of said license.~~

1 SEC. 82. Sections two hundred twenty-four point five (224.5), two
2 hundred twenty-five point thirty-one (225.31), two hundred twenty-five
3 point thirty-six (225.36), two hundred twenty-five point thirty-seven
4 (225.37), two hundred twenty-five point thirty-eight (225.38), two
5 hundred twenty-five point thirty-nine (225.39), two hundred twenty-
6 five point forty (225.40), two hundred twenty-five point forty-one
7 (225.41), two hundred twenty-five point forty-two (225.42), two hundred
8 twenty-six point twenty (226.20), two hundred twenty-six point twenty-
9 one (226.21), two hundred twenty-six point twenty-four (226.24), two
10 hundred twenty-six point twenty-five (226.25), chapter two hundred
11 twenty-eight (228), and sections two hundred twenty-nine point thirty-
12 nine (229.39) and two hundred twenty-nine point forty (229.40), Code
13 1975, are repealed.

1 SEC. 83. This Act shall be effective January 1, 1976.

Approved June 16, 1975

CHAPTER 140

FEDERAL FUNDS OR GRANTS

H. F. 390

AN ACT authorizing the expenditure of federal funds or grants for the support of mental health centers, programs for the mentally retarded, and capital improvements by counties.

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

1 SECTION 1. Section two hundred thirty A point fourteen (230A.14),
2 Code 1975, is amended to read as follows:

3 **230A.14 Support of center.** The board of supervisors of any
4 county served by a community mental health center established or con-
5 tinued in operation as authorized by section 230A.1 may expend
6 money from the county mental health and institutions fund, *federal*
7 *revenue-sharing funds, or other federal matching funds designated*
8 *by the board of supervisors for such purpose, without a vote of the*
9 *electorate of the county, to pay the cost of any services described in*
10 *section 230A.2 which are provided by the center or by an affiliate un-*
11 *der contract with the center, or to pay the cost of or grant funds for*
12 *establishing, reconstructing, remodeling or improving any facility*
13 *required for the center. However, the county board shall not expend*
14 *money from that fund, except for designated revenue-sharing or oth-*
15 *er federal matching funds, for mental health treatment obtained out-*
16 *side a state institution in an amount exceeding eight dollars per capita*
17 *in any county having less than forty thousand population.*

1 SEC. 2. Section three hundred forty-five point one (345.1), Code
2 1975, is amended to read 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 or
5 extension to, or the remodeling or reconstruction or relocation and re-
6 placement of a courthouse, jail, county hospital, county home or any
7 other county building or facility, except as otherwise provided, when
8 the probable cost will exceed ten thousand dollars, nor the purchase of
9 real estate for county purposes exceeding ten thousand dollars in val-
10 ue, until a proposition therefor shall have been first submitted to the
11 qualified electors of the county, and voted for by a majority of all per-
12 sons voting for and against such proposition at a general or special
13 election, notice of the same being given as in other special elections.
14 However, such proposition need not be submitted to the voters if any
15 such erection, construction, remodeling, reconstruction, relocation and
16 replacement, or purchase of real estate may be accomplished from
17 funds on hand or from federal revenue-sharing funds or federal match-
18 ing funds and without the levy of additional taxes and if the probable
19 cost of the entire project will not exceed one hundred thousand dollars
20 *in a county having a population of twenty-five thousand or less,*
21 *one hundred fifty thousand dollars in counties having a population*
22 *of more than twenty-five thousand but not more than fifty thou-*
23 *sand, two hundred thousand dollars in counties having a popula-*
24 *tion of more than fifty thousand but not more than one hundred*
25 *thousand, two hundred fifty thousand dollars in counties having a*
26 *population of more than one hundred thousand but not more than*
27 *two hundred thousand, and five hundred thousand dollars in coun-*
28 *ties having a population of more than two hundred thousand. If a*
29 *county project should be determined to cost in excess of ~~one hundred~~*
30 *~~thousand dollars~~ the dollar limitation for the population category of*
31 *such county, the proposition must be submitted to the qualified elec-*

32 tors of the county without regard to the source from which such funds
 33 may be derived. However a proposition need not be submitted to the
 34 qualified electors *to expend federal revenue-sharing funds for a men-*
 35 *tal health or mental retardation project* or when a relocation and re-
 36 placement is made necessary by the acquisition of county property for
 37 a federal or state project, and the cost of the relocation does not exceed
 38 the amount of the award of damages by the state or federal govern-
 39 ment. When the probable project cost exceeds fifty thousand dollars,
 40 the board shall provide notice and hold a public hearing on the proj-
 41 ect.

42 *When the expenditures authorized in this section exceed seventy-*
 43 *five thousand dollars and the proposition need not be submitted to*
 44 *the voters, the board of supervisors shall hold a public hearing on*
 45 *the proposition. Notice of the hearing shall be published at least two*
 46 *weeks prior to the hearing, in the newspaper published in the coun-*
 47 *ty having the largest circulation in the county. In determining*
 48 *whether the expenditure should be made, the board of supervisors*
 49 *shall give full consideration to the testimony given during the hear-*
 50 *ing.*

Approved June 6, 1975

CHAPTER 141

JUVENILE COURT EMPLOYEES

H. F. 670

AN ACT relating to the salaries of juvenile court employees.

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

1 SECTION 1. Section two hundred thirty-one point eight (231.8), Code
 2 1975, is amended to read as follows:

3 **231.8 Probation officers—salaries.** The judge designated as
 4 judge of the juvenile court in any county, or where there is more than
 5 one judge designated such judges acting jointly, may appoint such pro-
 6 bation officers as may be necessary to carry out the work of the court.
 7 In counties where more than one officer is appointed one of such offi-
 8 cers shall be designated as chief probation officer. The salaries of such
 9 officers shall be fixed by the judge or judges making the appointments
 10 but in no case shall the salary of a chief probation officer exceed six-
 11 teen thousand dollars per year nor shall the salary of a deputy proba-
 12 tion officer exceed fourteen thousand dollars per year a probation
 13 officer committee of three judicial officers of the judicial district
 14 appointed by the chief judge of the district. One member of the com-
 15 mittee shall be a district judge, district associate judge or magis-
 16 trate regularly assigned to preside over the juvenile court within a
 17 county in that district.

18 Probation officers may be appointed to serve two or more counties.
 19 The salaries of such officers and their deputies, if any, shall be fixed
 20 by ~~the judges~~ the probation officer committee of district court judges
 21 appointed by the chief judge of the judicial district ~~who are designat-~~
 22 ~~ed juvenile court judges for such counties~~ and such salaries and the ex-
 23 penses of the probation offices shall be prorated among the counties
 24 served in such proportion as may be determined by ~~said the judges~~
 25 ~~committee of district court judges appointed by the chief judge of~~
 26 ~~the judicial district~~ who shall in making such determination, consider

27 the volume of work in the several counties. ~~Such officers may be paid~~
 28 ~~not to exceed fourteen thousand dollars per year.~~

29 All probation officers so appointed shall serve at the pleasure of the
 30 ~~juvenile court judge or judges~~ *probation officer committee appointed*
 31 *by the chief judge of the judicial district* and shall be selected and
 32 appointed in accordance with such rules, standards, and qualifications
 33 as shall be established by the supreme court pursuant to section 684.21.
 34 The provision of this section shall not affect in any way the appoint-
 35 ment or term of office of any probation officer presently serving in any
 36 county or counties.

37 Such secretarial ~~and~~, clerical, *and other* help as may be needed in
 38 the administration of any probation office may be appointed by the
 39 judge or judges of the juvenile court who may fix their salaries, subject
 40 to the approval of the board of supervisors, ~~at not more than nine~~
 41 ~~thousand dollars per year.~~

Approved June 16, 1975

CHAPTER 142

JUVENILES

S. F. 358

AN ACT relating to neglected, dependent, and delinquent children.

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

1 SECTION 1. Section two hundred thirty-two point two (232.2), sub-
 2 section twelve (12), Code 1975, is amended by striking paragraphs c
 3 and d.

1 SEC. 2. Section two hundred thirty-two point two (232.2), subsec-
 2 tions thirteen (13) and fourteen (14), Code 1975, are amended by strik-
 3 ing the subsections and inserting in lieu thereof the following:

4 13. "Child in need of assistance" means a child:

5 a. Who is without a parent, guardian, or other custodian.

6 b. Who is in need of special care and treatment required by his
 7 physical or mental condition which the parents, guardian, or other cus-
 8 todian is unable to provide.

9 c. Whose parents, guardian, or other custodian for good cause de-
 10 sires to be relieved of his care and custody.

11 d. Who is abandoned by his parents, guardian, or other custodian.

12 e. Who for good cause desires to have his parents relieved of his care
 13 and custody.

14 f. Who is without proper parental care because of the emotional,
 15 mental, or physical disability, or state of immaturity of his parents,
 16 guardian, or other custodian.

17 g. Who is without proper parental care because of the faults or hab-
 18 its of his parents, guardian, or other custodian.

19 h. Who is living under conditions injurious to his mental or physical
 20 health or welfare.

21 i. Who is uncontrolled by his parents, guardian, or legal custodian
 22 by reason of being wayward or habitually disobedient.

23 j. Who habitually deports himself in a manner that is injurious to
 24 himself or others.

1 SEC. 3. Section two hundred thirty-two point twenty-one (232.21),
2 Code 1975, is amended to read as follows:

3 **232.21 Juvenile home may be maintained.** County boards of
4 supervisors may either singly or in conjunction with one or more other
5 counties provide and maintain, separate, apart, and outside the enclo-
6 sure of any jail or police station, a suitable juvenile home for ~~depen-~~
7 ~~dent, neglected,~~ *children in need of assistance* and delinquent
8 children. Such a home shall be constructed so far as practicable so that
9 children requiring detention shall be separated from the children re-
10 quiring shelter.

1 SEC. 4. Section two hundred thirty-two point thirty (232.30), Code
2 1975, is amended to read as follows:

3 **232.30 Presence of child waived.** Except in delinquency pro-
4 ceedings ~~based on the alleged commission of a public offense~~, the court
5 may waive the presence of the child in the court at any stage of the
6 proceedings when the court deems it in the best interests of the child.
7 In delinquency proceedings if the child is found to be delinquent, the
8 court after the finding of delinquency is made may excuse the presence
9 of the child from the hearing when the court deems it in the best inter-
10 ests of the child. In any proceedings, the court may temporarily excuse
11 the presence of the parents or guardian of a child from the hearing
12 when the court deems it in the best interests of the child. The attorney
13 or guardian ad litem, if any, has the right to continue to participate in
14 proceedings during the absence of the child, parents, or guardian.

1 SEC. 5. Section two hundred thirty-two point thirty-one (232.31),
2 Code 1975, is amended to read as follows:

3 **232.31 Evidence by child and parents.** The child and his par-
4 ents, guardian, or custodian are entitled to be heard, to present evi-
5 dence material to the case, and to question witnesses appearing at the
6 hearing.
7 The court's finding with respect to ~~neglect, dependency, and delin-~~
8 ~~quency~~ *child in need of assistance* shall be based upon clear and con-
9 vincing evidence under the rules applicable to the trial of civil cases,
10 provided that relevant and material information of any nature includ-
11 ing that contained in reports, studies, or examinations may be admit-
12 ted and relied upon to the extent of its probative value. When
13 information contained in a report, study, or examination is admitted
14 in evidence, the person making such a report, study, or examination
15 shall be subject to both direct and cross-examination when reasonably
16 available. *The court's finding with respect to delinquency shall be*
17 *based on the evidentiary standard of beyond a reasonable doubt.*

1 SEC. 6. Section two hundred thirty-two point thirty-three (232.33),
2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 **232.33 Disposition of case of neglect or dependency child in**
5 **need of assistance.** If the court finds that the child is ~~neglected or~~
6 ~~dependent,~~ *in need of assistance* the court shall enter an order mak-
7 ing any one or more of the following dispositions of the case:

1 SEC. 7. Section two hundred thirty-two point forty-one (232.41),
2 paragraph e,* Code 1975, is amended to read as follows:

3 e. That following an adjudication of ~~neglect or dependency~~ *that a*
4 *child is in need of assistance*, reasonable efforts under the direction
5 of the court have failed to correct the conditions leading to the termi-
6 nation.

*According to enrolled Act

1 SEC. 8. Section two hundred thirty-two point forty-seven (232.47),
2 Code 1975, is amended to read as follows:

3 **232.47 Order of court.** If after a hearing the court does not ter-
4 minate the parent-child relationship but determines that ~~conditions of~~
5 ~~neglect or dependency exist~~ *the child is in need of assistance*, the
6 court ~~may find the child neglected or dependent and~~ may enter an order
7 in accordance with the provisions of section 232.33.

1 SEC. 9. Section two hundred thirty-two point fifty-five (232.55),
2 Code 1975, is amended to read as follows:

3 **232.55 Petitions and reports segregated.** The proceedings concern-
4 ing delinquency petitions filed ~~by parents~~ and petitions concerning
5 ~~neglected or dependent children~~ *children in need of assistance*; the
6 reports of juvenile court probation officers, social workers, doctors, and
7 psychologists; and the reports of juvenile homes shall not be public
8 records, but the court may make them public in its discretion.

1 SEC. 10. Section two hundred thirty-two point sixty-three (232.63),
2 Code 1975, is amended to read as follows:

3 **232.63 When jurisdiction is exclusive.** The juvenile court shall
4 have exclusive original jurisdiction, only, in proceedings concerning
5 any child alleged to be delinquent; ~~neglected, or dependent or a child~~
6 ~~alleged to be in need of assistance~~, and in proceedings for termina-
7 tion of parental rights under sections 232.41 through 232.50, and in pro-
8 ceedings concerning any minor alleged to have been a delinquent prior
9 to having become eighteen years of age except as otherwise provided
10 by law.

1 SEC. 11. Section two hundred thirty-two point sixty-eight (232.68),
2 Code 1975, is amended to read as follows:

3 **232.68 Venue.** Venue for ~~neglect, dependency~~ *children in need*
4 *of assistance* and delinquent proceedings shall be in the county where
5 the minor is found or in the county of the minor's residence. If a minor
6 is alleged to be delinquent, the county where the alleged delinquency
7 occurred shall also have venue.

1 SEC. 12. Section two hundred thirty-two point sixty-nine (232.69),
2 Code 1975, is amended to read as follows:

3 **232.69 Transfer of venue.** The judge may transfer any proceed-
4 ings brought under this chapter to the court of any county having ven-
5 ue at any stage of the proceedings and in the following manner:

6 1. When it appears that the best interests of the minor, society, or
7 the convenience of the proceedings shall be served by a transfer, the
8 court may transfer the case to the court of the county of the minor's
9 residence.

10 2. With the consent of the receiving court, the court may transfer the
11 case to the court of the county where the minor is found.

12 3. With the consent of the receiving court, the court may transfer the
13 case to the county where the alleged delinquency occurred ~~if an alleged~~
14 ~~delinquency is based on the commission of a public offense.~~

1 SEC. 13. Chapter two hundred thirty-two (232), Code 1975, shall be
2 titled "CHILDREN IN NEED OF ASSISTANCE AND DELINQUENT CHILDREN".

1 SEC. 14. Chapter two hundred thirty-two (232), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Placement of a child in need of assis-**
4 **tance.** Notwithstanding the provisions of section two hundred thirty-
5 two point thirty-three (232.33), subsections four (4) and five (5) of the

6 Code, a minor adjudicated as a child in need of assistance shall not be
 7 placed in the Iowa training school for boys, or the Iowa training school
 8 for girls.

Approved July 18, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 143

VEHICLE ACCIDENTS REPORTED

S. F. 18

AN ACT relating to the reporting of 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-six (321.266), unnumbered paragraph two (2), Code 1975, is
 3 amended to read as follows:

4 The driver of a vehicle involved in an accident resulting in injury to
 5 or death of any person, or total property damage to an apparent ex-
 6 tent of ~~one~~ two hundred fifty dollars or more shall also, within ~~twenty-~~
 7 ~~four~~ seventy-two hours after such accident, forward a written report of
 8 such accident to the department.

1 SEC. 2. Section three hundred twenty-one A point five (321A.5),
 2 subsection one (1), Code 1975, is amended to read as follows:

3 1. The director shall, immediately or within sixty days after the re-
 4 ceipt of a report of a motor vehicle accident within this state which has
 5 resulted in bodily injury or death or damage to the property of any
 6 one person in excess of ~~one~~ two hundred fifty dollars, suspend the li-
 7 cense of each operator and all registrations of each owner of a motor
 8 vehicle in any manner involved in such accident, and if such operator
 9 is a nonresident the privilege of operating a motor vehicle within this
 10 state, and if such owner is a nonresident the privilege of the use within
 11 this state of any motor vehicle owned by him, unless such operator or
 12 owner or both shall deposit security in a sum which shall be sufficient
 13 in the judgment of the director to satisfy any judgment or judgments
 14 for damages resulting from such accident as may be recovered against
 15 such operator or owner; provided notice of such suspension shall be
 16 sent by the director to such operator and owner not less than ten days
 17 prior to the effective date of such suspension and shall state the
 18 amount required as security.

Approved July 19, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 144

CHILD DAY CARE FACILITIES

S. F. 491

AN ACT relating to the licensing and registration of child day care facilities and providing a penalty.

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

1 SECTION 1. Section two hundred thirty-seven A point one (237A.1),
2 Code 1975, is amended to read as follows:

3 **237A.1 Definitions.** As used in this chapter unless the context
4 otherwise requires:

5 1. "Commissioner" means the commissioner of social services.

6 2. "Department" means the department of social services.

7 3. "Director" means the director of the division designated by the
8 commissioner to administer this chapter.

9 4. "County board" means the county board of social welfare.

10 5. "Child" means a person under eighteen years of age.

11 6. "Relative" means a person who by marriage, blood or adoption
12 is a parent, grandparent, brother, sister, stepfather, stepmother, step-
13 brother, stepsister, uncle, aunt, first cousin, or guardian.

14 7. "Child day care" means the care, supervision, or guidance of a
15 child by a person other than the parent, guardian, relative or custo-
16 dian for periods of two hours or more and less than twenty-four
17 hours per day per child on a regular basis in a place other than the
18 child's home, but does not include:

19 a. An instructional program administered by a public or nonpub-
20 lic school system approved by the department of public instruction
21 or the state board of regents.

22 b. A church-related instructional program of not more than one
23 day per week.

24 c. Short-term classes held between school terms.

25 8. "Child care center" or "center" means a facility providing care
26 for six child day care for seven or more children for more than four
27 hours, but less than twenty-four hours, per day.

28 9. "Family day care home" means a facility which provides child
29 day care to less than seven children.

30 10. "Child day care facility" or "facility" means a child care cen-
31 ter or registered family day care home.

32 11. "Licensed center" means a center applying for or issued a full
33 or provisional license by the department under the provisions of this
34 chapter or a center for which a license is being processed.

35 12. "Low-income family" means a family whose total income, rel-
36 ative to the number of persons dependent on the family's total income
37 for support, is designated by the department as insufficient to provide
38 an adequate standard of living. Adequate standard of living shall be
39 defined as at or below the minimum living standard budget deter-
40 mined by the bureau of labor statistics of the United States depart-
41 ment of labor, adjusted regionally and for family size monthly gross
42 income is less than the lower of:

43 a. Eighty percent of the median income of a family of four in
44 this state adjusted to take into account the size of the family; or

45 b. The median income of a family of four in the fifty states and
46 the District of Columbia adjusted to take into account the size of
47 the family.

48 13. "State day care advisory committee" means the state day care
49 advisory committee established by regulation 220.4 of the Social Secu-

50 rity Act of 1967 whose membership is no less than nine nor no more
 51 than fifteen members and is comprised of one-third providers of ser-
 52 vices, one-third interested citizens from urban and rural areas across
 53 the state and one-third parents of children served. If for any reason the
 54 federal government eliminates this advisory committee, this advisory
 55 committee shall continue to function as a state advisory group to the
 56 department pursuant to section ten (10) of this Act.

1 SEC. 2. Section two hundred thirty-seven A point two (237A.2),
 2 Code 1975, is amended to read as follows:

3 **237A.2 License voluntary.** A center may request to be licensed
 4 by the department but is not required to be licensed in order to operate
 5 in this state: **Licensing of child care centers.** A person shall not es-
 6 tablish or operate a child care center without obtaining a license
 7 under the provisions of this chapter. A center may operate for a
 8 specified period of time, to be established by rule of the department,
 9 if application for a license has been made. The department shall is-
 10 sue a license if it determines that the following conditions have been
 11 met:

12 1. An application for a license or a renewal has been filed with the
 13 director on forms provided by the department.

14 2. The center possesses adequate financial resources to perform the
 15 services it undertakes.

16 3 2. The center is maintained so as to comply with state and local
 17 health, and fire, and zoning laws.

18 4 3. The facility center is maintained so as to comply with rules
 19 promulgated under section 237A.12.

20 A person denied a license under the provisions of this section shall
 21 receive written notice of the denial stating the reasons for denial and
 22 may appeal the decision as provided in sections 237A.10 and 237A.11
 23 shall be provided with an opportunity for an evidentiary hearing.
 24 Licenses granted under this chapter shall be valid for one year from
 25 the date of issuance unless revoked or suspended in accordance with
 26 the provisions of section two hundred thirty-seven A point eight
 27 (237A.8) of the Code. A record of the license shall be kept by the de-
 28 partment. The license shall be posted in a conspicuous place in the
 29 center and shall state the particular premises in which child day
 30 care may be offered and the number of individuals who may be re-
 31 ceived for care at any one time. No greater number of children than
 32 is authorized by the license shall be kept in the center at any one
 33 time.

34 The director may issue a provisional license for a period of time not
 35 to exceed one year if the center does not meet standards required un-
 36 der this section. A provisional license shall be posted in a conspicu-
 37 ous place in the center as provided in this section. If written plans to
 38 bring the center up to standards, giving specific dates for completion of
 39 work, are submitted to and approved by the department promulgating
 40 the regulations, the provisional license shall be renewable.

41 A facility which is not a child care center by reason of the defini-
 42 tion of child day care in section one (1) of this Act, but which pro-
 43 vides care, supervision or guidance to a child may be issued a
 44 license if the facility complies with all the provisions of this chap-
 45 ter.

1 SEC. 3. Section two hundred thirty-seven A point three (237A.3),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **237A.3 Registration of family day care homes.** A person who
 5 operates or establishes a family day care home may apply to the de-
 6 partment for registration under the provisions of this chapter. The de-
 7 partment shall issue a certificate of registration upon receipt of a
 8 statement from the family day care home that the home complies with
 9 rules promulgated by the department. The registration certificate shall
 10 be posted in a conspicuous place in the family day care home, shall
 11 state the name of the registrant, the number of individuals who may
 12 be received for care at any one time and the address of the home, and
 13 shall include a check list of registration compliances. No greater num-
 14 ber of children than is authorized by the certificate shall be kept in the
 15 family day care home at any one time. The registration process may
 16 be repeated on an annual basis. A facility which is not a family day
 17 care home by reason of the definition of child day care in section one
 18 (1) of this Act, but which provides care, supervision or guidance to a
 19 child may be issued a certificate of registration under the provisions of
 20 this chapter.

1 SEC. 4. Section two hundred thirty-seven A point four (237A.4),
 2 Code 1975, is amended to read as follows:

3 **237A.4 Examinations Inspection and evaluation.** ~~The~~ *The local boards of health shall make periodic inspections of licensed centers to insure compliance with licensing requirements provided in this chapter. In those instances where no local board of health exists then the director may make periodic inspections of licensed centers as necessary to carry out the provisions of this chapter. The director may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The director shall require that the center be inspected by the commissioner of public health and the state fire marshal or a designee for compliance with rules relating to fire safety or their designees, before a license is granted or renewed.*

15 *The director or a designee may periodically visit registered family day care homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules promulgated under section two hundred thirty-seven A point twelve (237A.12) of the Code. Evaluation of family day care homes under this section may include consultative services provided pursuant to section two hundred thirty-seven A point six (237A.6) of the Code.*

1 SEC. 5. Section two hundred thirty-seven A point five (237A.5),
 2 Code 1975, is amended to read as follows:

3 **237A.5 Personnel.** All personnel ~~having direct responsibility for~~
 4 ~~individual children~~ in licensed child care centers shall have good ~~physi-~~
 5 ~~eal and mental~~ health as evidenced by a report following a *pre-em-*
 6 *ployment physical examination taken within six months prior to*
 7 *beginning employment, including communicable disease tests an ex-*
 8 *amination, by a licensed physician, as defined in section one*
 9 *hundred thirty-five C point one (135C.1) of the Code, at the time of*
 10 *initial employment and every three years thereafter. A new report*
 11 ~~shall be required every year thereafter.~~ No staff member of a licensed
 12 center or registered home with direct responsibility for child care shall
 13 have a conviction by any law of any state involving lascivious acts
 14 with a child, child neglect or child abuse.

1 SEC. 6. Section two hundred thirty-seven A point six (237A.6),
 2 Code 1975, is amended to read as follows:

3 **237A.6 Consultative services.** The department shall, and the
4 *commissioner of public health* may provide consultative services to a
5 person applying for a license or registration, or licensed or registered
6 by the director under this chapter.

1 SEC. 7. Section two hundred thirty-seven A point seven (237A.7),
2 Code 1975, is amended to read as follows:

3 **237A.7 Confidential information.** Anyone who acquires through
4 the administration of this chapter information relative to an individual
5 in a ~~center~~ *child day care facility* or to a relative of the individual
6 shall not, directly or indirectly, disclose the information except upon
7 inquiry before a court of law or with the written consent of the individ-
8 ual or, in the case of a child, the written consent of the parent or
9 guardian or as otherwise specifically required or allowed by law.

10 This section shall not prohibit the director from disclosing facts when
11 it is in the best interests of a child or in the interest of the child's par-
12 ents, guardian, or foster parents and not harmful to the child, or when
13 disclosure is necessary to protect the interests of the child's prospective
14 foster parents.

15 This section shall not prohibit the director from disclosing disclosure
16 of information relative to the structure and operation of a licensed cen-
17 ter facility nor shall it prohibit the statistical analysis by duly author-
18 ized persons of data collected by virtue of this chapter, or the
19 publication of the results of the analysis in a manner which does not
20 disclose information identifying individual persons.

1 SEC. 8. Section two hundred thirty-seven A point eight (237A.8),
2 Code 1975, is amended to read as follows:

3 **237A.8 Suspension and revocation.** The director, after notice
4 and opportunity for an evidentiary hearing, may suspend or revoke a
5 license or certificate of registration issued under the provisions of this
6 chapter if the person to whom a license or certificate is issued violates
7 any provision of this chapter or if a person makes false reports regard-
8 ing the operation of the ~~center~~ *child day care facility* to the director
9 or his a designee.

1 SEC. 9. Section two hundred thirty-seven A point twelve (237A.12),
2 Code 1975, is amended to read as follows:

3 **237A.12 Rules.** Subject to the provisions of chapter 17A, the di-
4 rector shall promulgate rules for operating and maintaining licensed
5 setting minimum standards to provide quality child day care in the
6 operation and maintenance of child care centers and registered fam-
7 ily day care homes relating to:

8 1. The number of qualified and qualifications of personnel neces-
9 sary to assure the health, safety, and welfare of children in the center
10 facilities.

11 2. The minimum number of square feet available for use both in-
12 doors and outdoors, by each child received into the center. Outdoor
13 areas used by the children shall be enclosed either by fencing or some
14 other appropriate method Physical facilities.

15 3. The adequacy of activity programs and food services available to
16 the children.

17 4. Policies established by the center for parental participation.

18 5. Programs for education and in-service training of staff.

19 6. Records kept by the facilities.

20 7. Administration.

21 8. Health, safety, and medical policies for children.

22 Before a proposed rule, as defined in chapter 17A, is submitted to
 23 the departmental rules review committee, a public hearing shall be
 24 held in regard to the rule, and members of the departmental rules re-
 25 view committee shall be notified of the hearings.

26 Rules promulgated by the state fire marshal and the commissioner of
 27 public health for buildings used as child care centers as an adjunct to
 28 the primary purpose of the building shall take into consideration that
 29 children are received for temporary care only and shall not differ from
 30 rules promulgated for these buildings when they are used by groups of
 31 persons congregating from time to time in the primary use and occu-
 32 pancy of the buildings. Furthermore, such rules shall govern only por-
 33 tions of the building utilized for child care centers. However, the rules
 34 may require a fire-rated separation from the remaining portion of
 35 the building if the fire marshal determines that the separation is
 36 necessary for the protection of children from a specific flammable
 37 hazard.

38 All rules and standards promulgated under this chapter with respect
 39 to child care centers shall be developed in consultation with the state
 40 day care advisory committee.

41 Rules relating to fire safety and sanitation shall be promulgated
 42 under this chapter by the state fire marshal and the commissioner
 43 of public health respectively, in consultation with the department,
 44 and all rules shall be developed in consultation with the state day
 45 care advisory committee. The state fire marshal shall inspect the fa-
 46 cilities.

1 SEC. 10. Chapter two hundred thirty-seven A (237A), Code 1975, is
 2 amended by adding the following new sections:

3 NEW SECTION. **Penalty.** A person who establishes, conducts, man-
 4 ages, or operates a center without a license shall be guilty of a misde-
 5 meanor. Each day of continuing violation after conviction, or notice
 6 from the department by certified mail of the violation, shall be consid-
 7 ered a separate offense.

8 NEW SECTION. **Injunction.** Any person who establishes, conducts,
 9 manages, or operates a center without a license may be restrained by
 10 permanent injunction.

11 NEW SECTION. **State day care advisory committee.** There is es-
 12 tablished a state day care advisory committee to consist of not less
 13 than nine and not more than fifteen members from urban and rural
 14 areas across the state. The membership shall consist of one-third provid-
 15 ers of services, one-third interested citizens, and one-third parents of
 16 children served. Members shall be appointed by the commissioner from
 17 a list of names submitted by a nominating committee to consist of one
 18 member of the state day care advisory committee established pursuant
 19 to this section, one member of the day care unit of the department,
 20 and one member of a professional child care organization. Two names
 21 shall be submitted for each appointment. Members shall be appointed
 22 for terms of three years but no member shall be appointed to more
 23 than two consecutive terms. The state day care advisory committee
 24 shall write its own operational policies with departmental approval.
 25 The member of the state day care advisory committee who submits
 26 names of nominees for initial membership on the committee shall be a
 27 member of the state day care advisory committee established by regu-
 28 lation two hundred twenty point four (220.4) of the Social Security Act
 29 of 1967.

30 NEW SECTION. **Duties of the state day care advisory commit-**
 31 **tee.** The state day care advisory committee shall:

32 1. Consult with and make recommendations to the department in
33 the promulgation of rules under this chapter.

34 2. Recommend improvements in the licensing and registration of fa-
35 cilities.

36 3. Advise the department on licensing policy, planning, and priori-
37 ties.

1 SEC. 11. Sections two hundred thirty-seven A point nine (237A.9),
2 two hundred thirty-seven A point ten (237A.10) and two hundred
3 thirty-seven A point eleven (237A.11), Code 1975, are repealed.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 145

VIETNAMESE CHILDREN

H. F. 877

AN ACT relating to the placement and adoption of South Vietnamese children.

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

1 SECTION 1.

2 1. Notwithstanding chapter two hundred thirty-eight (238) of the
3 Code, a child-placing agency, as defined in section two hundred thirty-
4 eight point two (238.2) of the Code or as licensed under the laws of an-
5 other state, may place a child in the home of a proposed parent in an-
6 ticipation of an ensuing adoption if:

7 a. The agency has a contract with the government of the republic of
8 South Vietnam to place the child;

9 b. The agency had, at the time the child resided in South Vietnam,
10 proper documents from the government of the republic of South Viet-
11 nam permitting the child to be placed and adopted but that the docu-
12 ments cannot be located and replaced; and

13 c. The child is legally admitted to the United States of America.

14 2. The home in which a child is placed under subsection two (2) of
15 this section shall be investigated for suitability by the department of
16 social services before or upon placement of the child. A petition for
17 adoption of the child shall not be filed under section six hundred point
18 one (600.1) of the Code until the department has approved the place-
19 ment. Upon application of the department to the appropriate juvenile
20 court, the child may be removed from an unapproved home and a
21 guardian appointed for the child.

1 SEC. 2. Notwithstanding chapter six hundred (600) of the Code, a
2 child placed under section one (1) of this Act may be adopted without
3 the adoption petition allegations relating to the child required under
4 section six hundred point one (600.1) of the Code and without the con-
5 sents required under section six hundred point three (600.3) of the Code
6 if an affidavit by the agency verifying that the documents specified
7 under paragraph b of section one (1) of this Act existed and are now
8 unavailable is submitted to the court. In such case, the agency shall
9 deliver to the court all available information on the child.

1 SEC. 3. Notwithstanding the provisions of chapter one hundred for-
2 ty-four (144), the state registrar of vital statistics shall issue a birth cer-
3 tificate for any child adopted pursuant to section two (2) of this Act

4 upon receipt of a certificate of adoption. Such birth certificate shall in-
5 clude any available information which is normally included on a birth
6 certificate.

1 SEC. 4. The provisions of section one (1) of this Act shall expire on
2 November 1, 1975.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 146

DISCHARGED INMATES

S. F. 456

AN ACT relating to furnishing discharged inmates of the women's reformatory, men's reformatory, and state penitentiary with clothing, money and transportation.

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

1 SECTION 1. Section two hundred forty-five point fourteen (245.14),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **245.14 Clothing, transportation, and money.** When an inmate
5 is discharged the superintendent shall furnish her, at state expense,
6 with the sum of one hundred dollars, transportation to any place with-
7 in this state of the inmate's choice, and appropriate clothing. The su-
8 perintendent shall maintain an account of all funds expended pursuant
9 to this section.

1 SEC. 2. Section two hundred forty-six point forty-four (246.44),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **246.44 Clothing, transportation, and money.** When an inmate is
5 discharged the warden or superintendent shall furnish him, at state ex-
6 pense, with the sum of one hundred dollars, transportation to any
7 place within this state of the inmate's choice, and appropriate clothing.
8 The warden or superintendent shall maintain an account of all funds
9 expended pursuant to this section.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 147

EASEMENT RIGHTS AT REFORMATORY

H. F. 776

AN ACT permitting the commissioner of social services to grant an easement for sewage lines across certain land belonging to the state.

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

1 SECTION 1. The commissioner of social services may, subject to the
2 approval of the executive council, grant sewage easement rights to the

3 municipal corporation of the city of Anamosa, Iowa, for the installa-
 4 tion of a lift station and sanitary sewer line in and over a portion of
 5 the Iowa State Men's Reformatory grounds at Anamosa, Iowa, for the
 6 purpose of installing, repairing, maintaining, and improving sanitary
 7 sewer service to portions of said city and the Iowa State Men's Refor-
 8 matory.

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 Anamosa Journal, a newspaper published in Anamosa, Iowa, and in
 4 The Maquoketa Community Press, a newspaper published in
 5 Maquoketa, Iowa.

Approved July 14, 1975

I hereby certify that the foregoing Act, House File 776, was published in The Anamosa Journal, Anamosa, Iowa, July 22, 1975, and in The Maquoketa Community Press, Maquoketa, Iowa, July 22, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 148

INTERSTATE PROBATION AND PAROLE COMPACT

S. F. 150

AN ACT relating to the interstate probation and parole compact.

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

1 SECTION 1. Chapter two hundred forty-seven (247), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Interstate probation and parole compact.** Since
 4 the state of Iowa has been a signatory to the interstate probation and
 5 parole compact since 1937 by action of the governor pursuant to section
 6 two hundred forty-seven point ten (247.10) of the Code, the general as-
 7 sembly deems it advisable to enter the full text of the compact into the
 8 Code for easy accessibility by the general public.

9 The interstate probation and parole compact is hereby placed in the
 10 Code as entered into by this state with other states legally joining
 11 therein in the form substantially as follows:

THE INTERSTATE PROBATION AND PAROLE COMPACT

13 Entered into by and among the contracting states, signatories hereto,
 14 with the consent of the congress of the United States of America,
 15 granted by an act entitled "An act granting the consent of congress to
 16 any two or more states to enter into agreements or compacts for cooper-
 17 ative effort and mutual assistance in the prevention of crime and for
 18 other purposes."

19 "The contracting states solemnly agree:

20 1. That it shall be competent for the duly constituted judicial and
 21 administrative authorities of a state party to this compact, to permit
 22 any person convicted of an offense within such state and placed on
 23 probation or released on parole to reside in any other state party to
 24 this compact, while on probation or parole, if:

25 a. Such person is in fact a resident of or has his family residing with-
 26 in the receiving state and can obtain employment there.

27 b. Though not a resident of the receiving state and not having his
28 family residing there, the receiving state consents to such person being
29 sent there. Before granting such permission, opportunity shall be
30 granted to the receiving state to investigate the home and prospective
31 employment of such person.

32 A resident of the receiving state, within the meaning of this section,
33 is one who has been an actual inhabitant of such state continuously for
34 more than one year prior to his coming to the sending state and has
35 not resided within the sending state more than six continuous months
36 immediately preceding the commission of the offense for which he has
37 been convicted.

38 2. That each receiving state will assume the duties of visitation of
39 and supervision over probationers or parolees of any sending state and
40 in the exercise of those duties will be governed by the same standards
41 that prevail for its own probationers and parolees.

42 3. That duly accredited officers of a sending state may at all times
43 enter a receiving state and there apprehend and retake any person on
44 probation or parole. For that purpose no formalities will be required
45 other than establishing the authority of the officer and the identity of
46 the person to be retaken. All legal requirements to obtain extradition
47 of fugitives from justice are hereby expressly waived on the part of
48 states party hereto, as to such persons. The decision of the sending
49 state to retake a person on probation or parole shall be conclusive upon
50 and not reviewable within the receiving state. Provided, however, that
51 if at the time when a state seeks to retake a probationer or parolee
52 there should be pending against him within the receiving state any
53 criminal charge, or he should be suspected of having committed within
54 such state a criminal offense, he shall not be retaken without the consent
55 of the receiving state until discharged from prosecution or from
56 imprisonment for such offense.

57 4. That the duly accredited officers of the sending state will be per-
58 mitted to transport prisoners being retaken through any and all states
59 parties to this compact, without interference.

60 5. That the governor of each state may designate an officer who,
61 acting jointly with like officers of other contracting states, if and when
62 appointed, shall promulgate such rules and regulations as may be
63 deemed necessary to more effectively carry out the terms of this com-
64 pact.

65 6. That this compact shall become operative immediately upon its
66 execution by any state as between it and any other state or states so
67 executing. When executed it shall have the full force and effect of law
68 within such state, the form of execution to be in accordance with the
69 laws of the executing state.

70 7. That this compact shall continue in force and remain binding
71 upon each executing state until renounced by it. The duties and obli-
72 gations hereunder of a renouncing state shall continue as to parolees or
73 probationers residing therein at the time of withdrawal until retaken or
74 finally discharged by the sending state. Renunciation of this compact
75 shall be by the same authority which executed it, by sending six
76 months' notice in writing of its intention to withdraw from the compact
77 to the other state party hereto."

Approved April 28, 1975

CHAPTER 149
CLAIMS AGAINST ESTATES

S. F. 233

AN ACT relating to claims against the estates of decedents arising from assistance granted under a previous categorical assistance program.

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

1 SECTION 1. Section two hundred forty-nine point ten (249.10), Code
2 1975, is amended to read as follows:
3 **249.10 Prior liens, claims and assignments.** Any lien or claim
4 against the estate of a decedent existing on January 1, 1974, which
5 lien was perfected or which claim was filed under the provisions of
6 sections 249.19, 249.20 or 249.21 as they appeared in the Code of 1973
7 and prior Codes, and which liens or claims have not been satisfied, are
8 void. Any assignment of personal property which was made under the
9 provisions of chapter 249 as it appeared in the Code of 1973 and prior
10 Codes, is void. The commissioner may in furtherance of this section re-
11 lease any lien or claim created or existing under that chapter. Each re-
12 lease made pursuant to this section shall be executed and
13 acknowledged by the commissioner or his authorized designee, and
14 when recorded shall be conclusive in favor of any third person dealing
15 with or concerning the property affected by the release in reliance
16 upon such record.

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 Inde-
3 pendent, a newspaper published in Hawarden, Iowa, and in The Lyon
4 County Reporter, a newspaper published in Rock Rapids, Iowa.

Approved April 28, 1975

I hereby certify that the foregoing Act, Senate File 233, was published in The Independent, Hawarden, Iowa, May 1, 1975, and in The Lyon County Reporter, Rock Rapids, Iowa, May 5, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 150
REMEDIAL EYE CARE

H. F. 463

AN ACT relating to remedial eye care.

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

1 SECTION 1. Chapter two hundred forty-nine A (249A), Code 1975, is
2 amended by adding the following new section:
3 NEW SECTION. The department shall establish a remedial eye care
4 program for individuals who have been determined by an ophthalmol-
5 ogist, retained in accordance with rules of the department, to be in
6 need of treatment to prevent blindness or to restore eyesight and who
7 lack sufficient income to meet the cost of the remedial eye care. The
8 department shall establish eligibility requirements not inconsistent
9 with section two hundred forty-nine A point three (249A.3) of the
10 Code.

Approved May 12, 1975

CHAPTER 151

CHILD SUPPORT RECOVERY

S. F. 518

AN ACT creating a child support recovery unit within the department of social services, prescribing the powers and duties thereof, and providing for the assignment of rights to child support payments by any person who receives public assistance and providing a penalty.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in sections two
 2 (2) through ten (10) of this Act, unless the context otherwise requires:
 3 1. "Child" includes but shall not be limited to a stepchild, foster
 4 child or legally adopted child and means a child actually or apparent-
 5 ly under eighteen years of age, and a dependent person eighteen years
 6 of age or over who is unable to maintain himself and is likely to be-
 7 come a public charge. "Child" includes "dependent children" as de-
 8 fined in section two hundred thirty-nine point one (239.1), subsection
 9 three (3) of the Code.
 10 2. "Resident parent" means the parent with whom the child is resid-
 11 ing at the time the support collection or paternity determination ser-
 12 vices provided in sections five (5) and six (6) of this Act are requested
 13 or commenced.
 14 3. "Absent parent" means the parent who either cannot be located or
 15 who is located and is not residing with the child at the time the sup-
 16 port collection or paternity determination services provided in sections
 17 five (5) and six (6) of this Act are requested or commenced.
 18 4. "Department" means the department of social services.
 19 5. "Commissioner" means the commissioner of the department of so-
 20 cial services.
 21 6. "Unit" means the child support recovery unit created in section
 22 two (2) of this Act.

1 SEC. 2. NEW SECTION. **Unit established.** There is created within
 2 the department of social services a child support recovery unit for the
 3 purpose of providing the services required in sections three (3) through
 4 six (6) of this Act.

1 SEC. 3. NEW SECTION. **Duty of department to enforce child sup-**
 2 **port.** Upon receipt by the department of an application for public as-
 3 sistance on behalf of a child and determination by the department that
 4 the child has been abandoned by its parents or that the child and one
 5 parent have been abandoned by the other parent or that the parent or
 6 other person responsible for the care, support or maintenance of the
 7 child has failed or neglected to give proper care or support to the child,
 8 the department shall take appropriate action under the provisions of
 9 this Act or under other appropriate statutes of this state including but
 10 not limited to chapters two hundred thirty-nine (239), two hundred
 11 fifty-two A (252A), five hundred ninety-eight (598), and six hundred
 12 seventy-five (675) of the Code, to insure that the parent or other person
 13 responsible for the support of the child fulfills the support obligation.

1 SEC. 4. NEW SECTION. **Nonassistance cases.** The child support
 2 and paternity determination services established by the department
 3 pursuant to this Act and other appropriate services provided by law in-
 4 cluding but not limited to the provisions of chapters two hundred thirty-
 5 nine (239), two hundred fifty-two A (252A), five hundred ninety-
 6 eight (598) and six hundred seventy-five (675) of the Code shall be
 7 made available by the unit to any individual not otherwise eligible as

8 a public assistance recipient upon application by the individual for the
 9 services. The application shall be filed with the department. The com-
 10 missioner may require an application fee not to exceed twenty dollars
 11 as determined by the commissioner. The commissioner may require an
 12 additional fee to cover the costs incurred by the department in provid-
 13 ing the support collection and paternity determination services. The
 14 commissioner shall, by regulation, establish and make available to all
 15 applicants for support enforcement and paternity determination ser-
 16 vices a fee schedule, however, the fee shall not exceed ten percent of
 17 any support money recovered by department action. The fee for sup-
 18 port collection and paternity determination services shall be agreed
 19 upon in writing by the individual requesting the services. The applica-
 20 tion fee and the additional fee for services provided may be deducted
 21 from the amount of the support money recovered by the department.
 22 Fees collected pursuant to this section shall be remitted to the treasurer
 23 of state who shall deposit them in the general fund of the state. The
 24 commissioner or a designee and the treasurer of state shall keep an ac-
 25 curate record of funds so remitted and deposited.

1 **SEC. 5. NEW SECTION. Services of unit.** The child support recov-
 2 ery unit shall provide the following services:

- 3 1. Assistance in the location of an absent parent or any other person
 4 who has an obligation to support the child of the resident parent.
- 5 2. Aid in establishing paternity and securing a court order for sup-
 6 port pursuant to chapter six hundred seventy-five (675) of the Code.
- 7 3. Aid in enforcing through court proceedings an existing court order
 8 for support issued pursuant to chapters two hundred fifty-two A
 9 (252A), five hundred ninety-eight (598), and six hundred seventy-five
 10 (675) of the Code.

1 **SEC. 6. NEW SECTION. Additional services in assistance**
 2 **cases.** In addition to the services enumerated in section five (5) of
 3 this Act, the unit may provide the following services in the case of a
 4 dependent child for whom public assistance is being provided:

- 5 1. Represent the child in obtaining a support order necessary to
 6 meet the child's needs or in enforcing a similar order previously en-
 7 tered.
- 8 2. Appear as a friend of the court in dissolution of marriage and sepa-
 9 rate maintenance proceedings, or proceedings supplemental thereto,
 10 when either or both of the parties to the proceedings are receiving pub-
 11 lic assistance, for the purpose of advising the court of the financial in-
 12 terest of the state in the proceeding.
- 13 3. Appear on behalf of the resident parent of a child for whom pub-
 14 lic assistance is being provided, upon request by the parent, for the
 15 purpose of assisting the parent in securing a modification of a dissolu-
 16 tion or separate maintenance decree which provided no support or in-
 17 adequate support for the child. However, the unit may appear on
 18 behalf of the resident parent pursuant to this subsection only when the
 19 court determines that the resident parent is financially unable to em-
 20 ploy legal counsel and is unable to engage free legal counsel. If the
 21 resident parent does not request the appearance of a unit representa-
 22 tive, or does not qualify for representation pursuant to this subsection,
 23 the unit may appear as a friend of the court pursuant to subsection two
 24 (2) of this section, however, the unit shall not otherwise participate in
 25 the proceeding.
- 26 4. If public assistance has been applied for or granted on behalf of a
 27 child of parents who are legally separated or whose marriage has been

28 legally dissolved, the unit may apply to the district court for a court
29 order directing either or both parents to show cause for the following:

- 30 a. Why an order of support for the child should not be entered, or
31 b. Why the amount of support previously ordered should not be in-
32 creased, or
33 c. Why the parent should not be held in contempt for failure to com-
34 ply with a support order previously entered.

35 5 Initiate any civil procedures deemed necessary by the department
36 to secure reimbursement from the parent of a child for money expend-
37 ed by the state in providing public assistance or services to the child.

1 SEC. 7. NEW SECTION. **Legal services.** The attorney general
2 may perform the legal services for the child support recovery program
3 and may enforce all laws for the recovery of child support from respon-
4 sible relatives. The attorney general shall have power to file and prose-
5 cute:

- 6 a. contempt of court proceedings to enforce any order of court per-
7 taining to child support.
8 b. cases under chapter two hundred fifty-two A (252A), Code 1975,
9 the Uniform Support of Dependents Law.
10 c. an information charging desertion under the provisions of chapter
11 seven hundred thirty-one (731), Code 1975.
12 d. any other lawful action which will secure collection of support for
13 minor children.

14 For the aforesaid purposes, the attorney general shall have the same
15 power to commence, file and prosecute any action or information in
16 the proper jurisdiction, which the county attorney could file or prose-
17 cute in that jurisdiction. This shall in no way relieve any county attor-
18 ney from his or her duties, or the supervisory power of the attorney
19 general, in recovery of child support.

1 SEC. 8. NEW SECTION. **Central information center.** The depart-
2 ment shall establish within the unit an information and administration
3 coordinating center which shall serve as a registry for the receipt of in-
4 formation and for answering interstate inquiries concerning absent par-
5 ents and shall coordinate and supervise unit activities. The infor-
6 mation and administration coordinating center shall promote
7 cooperation between the unit and law enforcement agencies to
8 facilitate the effective operation of the unit.

1 SEC. 9. NEW SECTION. **Availability of records.** The commis-
2 sioner may request from state, county and local agencies, information and
3 assistance deemed necessary to carry out the provisions of this Act.
4 State, county and local agencies, officers and employees shall cooper-
5 ate with the unit in locating absent parents of children on whose behalf
6 public assistance is being provided and shall on request supply the de-
7 partment with available information relative to the location, income
8 and property holdings of the absent parent, notwithstanding any pro-
9 visions of law making such information confidential.

10 Information recorded by the department pursuant to this section
11 shall be available only to the unit, attorneys prosecuting a case in
12 which the unit may participate according to sections five (5) and six (6)
13 of this Act, courts having jurisdiction in support or abandonment pro-
14 ceedings, and agencies in other states charged with support collection
15 and paternity determination responsibilities as determined by the rules
16 of the department and the provisions of Title four (IV) of the United
17 States Social Security Act.

1 SEC. 10. NEW SECTION. **Criminal penalties.**

2 1. Any person who willfully requests, obtains, or seeks to obtain pa-
 3 ternity determination and support collection data available under sec-
 4 tion nine (9) of this Act under false pretenses, or who willfully
 5 communicates or seeks to communicate such data to any agency or per-
 6 son except in accordance with this Act, shall, upon conviction, for each
 7 such offense be punished by a fine of not more than one thousand dol-
 8 lars or by imprisonment in the state penitentiary for not more than
 9 two years, or by both fine and imprisonment. Any person who know-
 10 ingly, but without criminal purposes, communicates or seeks to commu-
 11 nicate paternity determination and support collection data except in
 12 accordance with this Act shall for each such offense be fined not more
 13 than one hundred dollars or be imprisoned not more than ten days.
 14 2. Any reasonable grounds for belief that a public employee has vio-
 15 lated any provision of this Act shall be grounds for immediate removal
 16 from all access to paternity determination and support collection data
 17 recorded under section nine (9) of this Act.

1 SEC. 11. Chapter two hundred fifty-two A (252A), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Welfare recipients—assignment of support pay-**
 4 **ments.** Persons entitled to periodic support payments pursuant to an
 5 order or judgment entered in a uniform support action pursuant to this
 6 chapter, who are also welfare recipients, shall assign their rights to the
 7 payments to the department of social services. The clerk of court shall
 8 forward support payments received pursuant to section two hundred
 9 fifty-two A point six (252A.6) of the Code to the department, unless
 10 the court has ordered the payments made directly to the department
 11 under subsection twelve (12) of that section. The department shall have
 12 the right to secure support payments in default through proceedings
 13 prescribed in chapter two hundred fifty-two A (252A) of the Code. The
 14 clerk shall furnish the department with copies of all orders or decrees
 15 awarding support to parties having custody of minor children when the
 16 parties are receiving welfare assistance.

1 SEC. 12. Section five hundred ninety-eight point thirty-four
 2 (598.34), Code 1975, is amended to read as follows:

3 **598.34 Welfare recipients—agreements ratified assignment of**
 4 **support payments.** ~~The county board of social welfare in any county~~
 5 ~~is authorized to enter into the following agreement with the court,~~
 6 ~~which may ratify such agreement by a majority vote of the district~~
 7 ~~judges assigned to the judicial district where such board is located.~~
 8 ~~Any person~~ Persons entitled to periodic support payments pursuant
 9 to an order or judgment entered in an action for dissolution of mar-
 10 riage, who ~~is~~ ~~are~~ also a welfare recipient recipients, shall assign his
 11 their rights to such payments to the ~~county board of social welfare~~
 12 granting such assistance department of social services. The clerk of
 13 court shall forward support payments received pursuant to section
 14 598.22 to such board. Such sums may serve to reduce the amount of the
 15 welfare payments granted such recipients. The board of social welfare
 16 the department, which shall have the right to secure support pay-
 17 ments in default through proceedings provided for in chapter 252A or
 18 section 598.24.

19 The clerk shall furnish such welfare agency the department with
 20 copies of all orders or decrees awarding support to parties having custo-
 21 dy of minor children when such parties are receiving welfare assistance.

1 SEC. 13. Chapter six hundred seventy-five (675), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Welfare recipients—assignment of support pay-**
 4 **ments.** Persons entitled to periodic support payments pursuant to an
 5 order or judgment entered in a paternity action pursuant to this chap-
 6 ter, who are also welfare recipients, shall assign their rights to the pay-
 7 ments to the department of social services. The clerk of court shall
 8 forward support payments received pursuant to section six hundred
 9 seventy-five point twenty-five (675.25) of the Code to the department,
 10 which shall have the right to secure support payments in default
 11 through proceedings prescribed in chapter two hundred fifty-two A
 12 (252A) or section six hundred seventy-five point thirty-seven (675.37)
 13 of the Code. The clerk shall furnish the department with copies of all
 14 orders or decrees awarding support to parties having custody of minor
 15 children when the parties are receiving welfare assistance.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 152

PUBLIC INSTRUCTION BOARD

H. F. 275

AN ACT relating to the date of organization of the state board of public instruction.

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

1 SECTION 1. Section two hundred fifty-seven point eight (257.8),
 2 Code 1975, is amended to read as follows:
 3 **257.8 Regular and special meetings.** The state board shall hold
 4 at least six regular meetings each year, ~~the first of which shall be on~~
 5 ~~the second secular day of January.~~ *The first regular meeting shall be*
 6 *held on the second Thursday in January for purposes of organiza-*
 7 *tion.* Special meetings of the state board may be called by the presi-
 8 dent or by any five members of the board on five days' notice given to
 9 each member. All meetings shall be held at the office of the depart-
 10 ment of public instruction unless a different place within the state of
 11 Iowa is designated by the state board or in the notice of the meeting.

Approved May 2, 1975

CHAPTER 153

SPECIAL EDUCATION

H. F. 801

AN ACT relating to education programs and services.

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

1 SECTION 1. Section two hundred fifty-seven point twenty-five
2 (257.25), subsection five (5), Code 1975, is amended to read as follows:
3 5. Provision for special education services and programs shall be
4 made for children requiring special education, ~~who are or would other-~~
5 ~~wise be enrolled in kindergarten through grade eight of such schools.~~

1 SEC. 2. Section two hundred fifty-seven point twenty-six (257.26),
2 subsection two (2), Code 1975, is amended to read as follows:

3 2. The provisions of this section shall not deprive the respective
4 boards of public school districts of any of their legal powers, statutory
5 or otherwise, and in accepting such specially enrolled students, each of
6 said boards shall prescribe the terms of such special enrollment, includ-
7 ing but not limited to scheduling of such courses and the length of
8 class periods. In addition, the board of the affected public school dis-
9 trict shall be given notice by the state board of its decision to permit
10 such special enrollment not later than six months prior to the opening
11 of the affected public school district's school year, except that the
12 board of the public school district may, in its discretion, waive such no-
13 tice requirement. School districts and county school systems or joint
14 county systems, or their successor agencies, may, when available, make
15 public school ~~auxiliary~~ services, which may include health services, spe-
16 cial education services, services ~~and materials~~ for remedial education
17 programs ~~and library and resource centers, audio-visual services and~~
18 ~~materials~~, guidance services, ~~scientific instruments, and school testing~~
19 ~~services, and other services and materials~~, available to children attend-
20 ing nonpublic schools in the same manner and to the same extent that
21 they are provided to public school students. *However, services that*
22 *are made available shall be provided on premises other than non-*
23 *public school property, except health services which may be provid-*
24 *ed on nonpublic school premises.*

1 SEC. 3. Section two hundred seventy-three point three (273.3), sub-
2 section five (5), Code 1975, is amended to read as follows:

3 5. Be authorized, subject to rules ~~and regulations~~ of the department
4 of public instruction, to provide directly or by contractual arrangement
5 with public or private agencies for special education programs and ser-
6 vices, media services, and other programs and services requested by the
7 local boards of education as provided in this chapter, including but not
8 limited to contracts for the area education agency to provide programs
9 or services to the local school districts and contracts for local school dis-
10 tricts, other educational agencies, and public and private agencies to
11 provide programs and services to the local school districts in the area
12 education agency in lieu of the area education agency providing such
13 services.

14 *Contracts may be made with public or private agencies located*
15 *outside the state if the programs and services comply with the rules*
16 *of the department. The cost of such programs and services for each*
17 *child shall not exceed the amount of money available through the*
18 *area education agency of the child's residence for each child under*
19 *chapters two hundred eighty-one (281) and four hundred forty-two*
20 *(442) of the Code.*

1 SEC. 4. Section two hundred eighty point eight (280.8), Code 1975,
2 is amended by striking the section and inserting in lieu thereof the fol-
3 lowing:

4 **280.8 Special education.** The board of directors of each public
5 school district shall make adequate educational provisions for each resi-
6 dent child requiring special education appropriate to the nature and
7 severity of the child's handicapping condition pursuant to rules pro-
8 mulgated by the department under the provisions of chapters two
9 hundred seventy-three (273) and two hundred eighty-one (281) of the
10 Code.

1 SEC. 5. Section two hundred eighty-one point eight (281.8), unnum-
2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 It shall not be incumbent upon the school districts ~~or county boards~~
4 ~~of education~~ to keep a child requiring special education in regular in-
5 struction when the child cannot sufficiently profit from the work of the
6 regular classroom, nor to keep such child requiring special education in
7 the special class or instruction for children requiring special education
8 when it is determined *by the director of special education of an area*
9 *education agency* that the child can no longer benefit ~~therefrom~~ *from*
10 *the instruction*, or needs more specialized instruction ~~which is avail-~~
11 ~~able in special state schools.~~ *However, the school district shall count*
12 *the child requiring special education in the enrollment as provided*
13 *in sections two hundred seventy-three point nine (273.9) and two*
14 *hundred eighty-one point nine (281.9) and four hundred forty-two*
15 *point four (442.4) of the Code and shall insure that appropriate edu-*
16 *cational provisions are made for the child requiring special educa-*
17 *tion within the limits of funds available under the provisions of*
18 *chapters two hundred seventy-three (273), two hundred eighty-one*
19 *(281), and four hundred forty-two (442) of the Code.*

1 SEC. 6. Section two hundred eighty-two point three (282.3), subsec-
2 tion one (1), Code 1975, is amended to read as follows:

3 1. The board may exclude from school children under the age of six
4 years when in its judgment such children are not sufficiently mature to
5 be benefited by ~~attendance~~ *regular instruction*, or any incorrigible
6 child or any child who in its judgment is so abnormal that ~~his atten-~~
7 ~~dance at school will~~ *regular instruction would* be of no substantial
8 benefit to him, or any child whose presence in school may be injurious
9 to the health or morals of other pupils or to the welfare of such school.
10 *However, the board shall provide special education programs and*
11 *services under the provisions of chapters two hundred seventy-three*
12 *(273), two hundred eighty-one (281), and four hundred forty-two*
13 *(442) of the Code for all children requiring special education.*

1 SEC. 7. Section two hundred eighty-two point eighteen (282.18),
2 Code 1975, is amended to read as follows:

3 **282.18 Children from charitable institution or state institu-**
4 **tion.** Children who are ~~residents of living in~~ a charitable institution
5 organized under the laws of this state or ~~residents of~~ *are living in* any
6 institution under the jurisdiction of a director of a division of the de-
7 partment of social services and who have completed a course of study
8 for the eighth grade *and who do not require special education* shall
9 be permitted to enter any approved public high school in Iowa that
10 will receive them and the tuition and transportation when required by
11 law shall be paid by the treasurer of state from any money in his
12 hands not otherwise appropriated and upon warrants drawn and signed
13 by the state comptroller on requisition issued by the superintendent of

14 public instruction. The superintendent of public instruction is hereby
 15 empowered to require such reports, from such institution and from the
 16 high school such pupils attend, as are necessary properly to carry out
 17 the provisions of this section.

1 SEC. 8. Section two hundred eighty-two point twenty-three (282.23),
 2 Code 1975, is amended to read as follows:

3 **282.23 Tuition when in boarding home.** When any child of
 4 school age *who does not require special education* has become a pub-
 5 lic charge and is being cared for in a children's boarding home licensed
 6 by the state, and the ~~domicile~~ *residence* of such child at the time it be-
 7 came a public charge was in another school district than the one ~~where-~~
 8 ~~in such in which the~~ boarding home is located, then ~~such the~~ child
 9 shall be entitled to attend public school in the school district in which
 10 ~~such the~~ boarding home is located, or if such district does not main-
 11 tain a school offering instruction in the grade in which ~~such the~~
 12 child is properly classified, then ~~such the~~ child may attend upon such
 13 instruction in any approved public school in the state that will receive
 14 it. The tuition and transportation when required of such a child, at the
 15 rates established by law, shall be paid by the treasurer of state from
 16 any funds in the state treasury not otherwise appropriated, and upon
 17 warrants drawn by the state comptroller upon the requisition of the su-
 18 perintendent of public instruction. If such child was in the district at
 19 the time the regular biennial school census was taken, the semiannual
 20 apportionments shall be deducted from the tuition due the district un-
 21 der the provisions of this section. The superintendent of public instruc-
 22 tion is hereby empowered to require such reports as are necessary
 23 properly to carry out the provisions of this section.

1 SEC. 9. Section two hundred eighty-two point twenty-four (282.24),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 The superintendent of public instruction shall determine a maximum
 5 tuition rate to be charged for students, elementary or high school, re-
 6 siding within another school district or corporation *except children re-*
 7 *quiring special education.* This maximum tuition rate shall be
 8 determined in the following manner: Classify all schools, elementary
 9 and secondary, located in school districts or corporations with popula-
 10 tions of one thousand to fourteen thousand nine hundred ninety-nine,
 11 inclusive, according to monthly per pupil costs. In such classification
 12 the school that falls within the eighty-fifth percentile of the monthly
 13 per pupil cost shall form the basis. Using this figure the elementary
 14 and high school tuition rates for the succeeding year shall be deter-
 15 mined so that the rate for the high school student is one and seventy-
 16 five hundredths times the rate for the elementary student. The junior
 17 high school rate shall be one and fifty hundredths times the elementa-
 18 ry rate.

1 SEC. 10. Section two hundred eighty-two point twenty-five (282.25),
 2 Code 1975, is amended to read as follows:

3 **282.25 Children in state institutions.** When any child is cared
 4 for in any state supported institution in this state which does not
 5 maintain a school and the ~~domicile~~ *residence* of the child is in another
 6 school district than that wherein the institution is situated, then such
 7 child shall be entitled to attend school in the district where such insti-
 8 tution is located, provided, however, the board of the district has the
 9 authority to determine if such child can be benefited from such attend-
 10 ance. In such case, *except if the child requires special education*, the

11 cost of tuition and transportation, at the rates established by law, shall
12 be paid by the treasurer of the state from any funds in the state trea-
13 sury not otherwise appropriated and upon warrants drawn by the state
14 comptroller upon requisition of the superintendent of public instruc-
15 tion.

1 SEC. 11. Chapter two hundred eighty-two (282), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Payment for certain children.** When a child re-
4 quiring special education is living in a state-supported institution,
5 charitable institution, or licensed boarding home as defined in this
6 chapter which does not maintain a school and the residence of the
7 child requiring special education is in a school district other than the
8 school district in which the state-supported institution, charitable insti-
9 tution, or licensed boarding home is located, the child is eligible for
10 special education programs and services provided for children requiring
11 special education who are residents of the school district in which the
12 institution or boarding home is located. The special education instruc-
13 tional costs shall be computed by means of weighted enrollment for
14 that child under the provisions of chapters two hundred seventy-three
15 (273), two hundred eighty-one (281), and four hundred forty-two (442)
16 of the Code as if that child were a resident of the school district in
17 which the institution or boarding home is located but the child shall be
18 included in the enrollment count in the district of residence in the
19 manner provided in sections two hundred eighty-one point nine
20 (281.9) and four hundred forty-two point four (442.4) of the Code. The
21 costs as computed shall be paid by the district of residence. No child
22 requiring special education shall be denied special education programs
23 and services because of a dispute over determination of residence of
24 that child. If the residence of the child cannot be determined, the dis-
25 trict in which the institution or boarding home is located shall provide
26 the special education programs and services appropriate for that child
27 and shall compute the costs by means of the weighted enrollment and
28 may apply to the school budget review committee for reimbursement
29 until the dispute over residence of the child is resolved. However, if
30 the special education instructional costs incurred on behalf of the child
31 exceed the amount which would be allowed if the child were provided
32 the programs and services in the district of residence, the treasurer of
33 the school district of residence shall make payment at the maximum
34 amount allowed in that district for a child requiring special education
35 who is similarly handicapped. If the child requiring special education
36 is not counted in the weighted enrollment of any district under section
37 two hundred eighty-one point nine (281.9) of the Code, and payment is
38 not made by any district, the district in which the institution or board-
39 ing home is located may make application for reimbursement from the
40 school budget review committee. For the purposes of this section, the
41 term "district of residence of the child" means the residence of the par-
42 ent or legal guardian, or the location of the district court if the district
43 court is the legal guardian, of the child.

1 SEC. 12. Section three hundred one point one (301.1), Code 1975, is
2 amended by adding the following new paragraph:

3 **NEW PARAGRAPH.** Textbooks adopted and purchased by a school dis-
4 trict may be made available to pupils attending nonpublic schools
5 upon request of the pupil or the pupil's parent under the same terms as
6 made available to pupils attending public schools.

1 SEC. 13. Section four hundred forty-two point thirteen (442.13),
2 subsection six (6), Code 1975, is amended by adding the following new
3 paragraph:

4 NEW PARAGRAPH. Costs of special education programs and services
5 for children requiring special education who are living in a state-sup-
6 ported institution, charitable institution, or licensed boarding home
7 which does not maintain a school and the child has not been counted
8 in the weighted enrollment under section two hundred eighty-one
9 point nine (281.9) of the Code.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 154

HIGH SCHOOL EQUIVALENCY DIPLOMAS

H. F. 386

AN ACT relating to the issuance of high school equivalency diplomas, including changes in fees.

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

1 SECTION 1. Section two hundred fifty-nine A point one (259A.1),
2 Code 1975, is amended to read as follows:

3 **259A.1 Tests.** The ~~state superintendent~~ department of public in-
4 struction shall cause to be made available for qualified individuals a
5 high school equivalency ~~certificate~~ diploma. The ~~certificate~~ diploma
6 shall be issued on the basis of satisfactory competence as shown by
7 tests covering: The correctness and effectiveness of expression; the in-
8 terpretation of reading material in the social studies; interpretation of
9 reading materials in the natural sciences; interpretation of literary ma-
10 terials; and general mathematical ability.

1 SEC. 2. Section two hundred fifty-nine A point two (259A.2), Code
2 1975, is amended to read as follows:

3 **259A.2 Age and residence.** Every applicant ~~shall~~ must have at-
4 tained the age which if said applicant had remained in school would
5 have graduated at least one year before date of application and of
6 eighteen years, be a nonhigh school graduate, and not currently en-
7 rolled in a secondary school. However, an applicant is not eligible
8 for the diploma until after the class in which the applicant was en-
9 rolled has graduated.

10 Applicants shall make application to the state superintendent and at
11 time of making application pay a fee of five dollars. Application shall
12 be made to the department of public instruction and shall be accom-
13 panied by an application fee in an amount prescribed by the de-
14 partment.

1 SEC. 3. Chapter two hundred fifty-nine A (259A), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. **Residents of juvenile institutions and juvenile**
4 **probationers.** Notwithstanding the provisions of section two hundred
5 fifty-nine A point two (259A.2) of the Code a minor who is a resident
6 of a state training school or the Iowa juvenile home or a minor who is

7 placed under the supervision of a juvenile probation office may make
8 application for a high school equivalency diploma and upon successful
9 completion of the program receive a high school equivalency diploma.

1 SEC. 4. Section two hundred fifty-nine A point three (259A.3),
2 Code 1975, is amended to read as follows:

3 **259A.3 Notice and fee.** Any applicant who has achieved the min-
4 imum passing standards as established by the state superintendent de-
5 partment, and approved by the state board, shall be notified in
6 writing, and issued a high school equivalency diploma by the depart-
7 ment upon payment of an additional five dollars the state superinten-
8 dent shall issue a high school equivalency certificate.

1 SEC. 5. Section two hundred fifty-nine A point four (259A.4), Code
2 1975, is amended to read as follows:

3 **259A.4 Use of fees.** The fees collected by the state superinten-
4 dent from applicants under the provisions of this chapter shall be
5 used for the expenses incurred in administering, providing test materi-
6 als, scoring of examinations and issuance of certificates high school
7 equivalency diplomas, and shall be disbursed on the authorization of
8 the state superintendent of* public instruction. The treasurer of state
9 shall be custodian of the funds paid to the state superintendent de-
10 partment and shall disburse the same on vouchers audited as provided
11 by law. The unobligated balance in such funds at the close of each
12 biennium shall be placed in the general fund of the state.

Approved June 29, 1975

*According to enrolled Act

CHAPTER 155

SCHOOL FOR THE DEAF

H. F. 501

AN ACT relating to the requirement for admission to the school for the deaf.

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

1 SECTION 1. Section two hundred seventy point three (270.3), Code
2 1975, is amended to read as follows:

3 **270.3 Admission.** Every Any resident of the state who is not less
4 than five nor more than twenty-one years of age, who is deaf and
5 dumb, or so deaf as to be unable to acquire an education in the com-
6 mon schools, and every such person who is over twenty-one and under
7 thirty-five years of age who has the consent of the state board of re-
8 gents, shall be entitled to receive an education in the institution at the
9 expense of the state has a hearing loss which is too severe to acquire
10 an education in the public schools is eligible to attend the school for
11 the deaf. Nonresidents similarly situated may be entitled admitted to
12 an education therein upon such terms as may be fixed by the state
13 board of regents. Nonresidents who are both deaf and blind shall be
14 considered as nonresidents, for the purposes of this chapter, when less
15 than two years residence has been completed by the applicants for ad-
16 mission. The fee for nonresidents shall be not less than the average ex-
17 pense of resident pupils and shall be paid in advance.

Approved May 15, 1975

CHAPTER 156

SCHOOL DISTRICT CHANGE OF NAME

S. F. 383

AN ACT to authorize name changes for school districts.

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 Code 1975, is amended by adding the following new subsection:
 3 NEW SUBSECTION. Change the name of the school district, without
 4 affecting its corporate existence, rights, or obligations, and subject to
 5 the requirements of section two hundred seventy-four point six (274.6)
 6 of the Code.

Approved May 12, 1975

CHAPTER 157

PUBLIC SCHOOL PRINCIPALS

S. F. 154

AN ACT relating to the employment and duties of public school principals.

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

- 1 SECTION 1. Chapter two hundred seventy-nine (279), Code 1975, is
 2 amended by adding the following new section:
 3 NEW SECTION. **Principals.** The board of directors of a school dis-
 4 trict may employ principals, under the provisions of section two
 5 hundred seventy-nine point thirteen (279.13) of the Code. A principal
 6 shall hold a current valid principal's certificate. Notwithstanding the
 7 provisions of section two hundred seventy-nine point thirteen (279.13)
 8 of the Code, after serving at least nine months, a principal may be em-
 9 ployed for a term of not to exceed two years.
 10 The principal, under the supervision of the superintendent of the
 11 school district and pursuant to rules and policies of the board of direc-
 12 tors of the school district, shall be responsible for administration and
 13 operation of the attendance center to which he is assigned.
 14 The principal shall, pursuant to the policies adopted by the board of
 15 directors of the school district, be responsible for the planning, man-
 16 agement, operation, and evaluation of the educational program of-
 17 fered at the attendance center to which the principal is assigned and
 18 shall submit recommendations to the superintendent regarding the ap-
 19 pointment, assignment, promotion, transfer and dismissal of all per-
 20 sonnel assigned to the attendance center. The principal shall perform
 21 such other duties as may be assigned by the superintendent.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 158

SCHOOL CORPORATION MEETINGS

H. F. 287

AN ACT relating to the date of the meeting of boards of school corporations for settlement of business.

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

1 SECTION 1. Section two hundred seventy-nine point three (279.3),
2 Code 1975, is amended to read as follows:

3 **279.3 Appointment of secretary and treasurer.** At ~~the a regu-~~
4 ~~lar or special~~ meeting of the board ~~the first secular day after the sev-~~
5 ~~enth day in July held in July prior to or on July fifteenth,~~ the board
6 shall appoint a secretary who shall not be a teacher or other employee
7 of the board. It shall also, except in districts composed in whole or in
8 part of a city, appoint a treasurer. Such officers shall be appointed
9 from outside the membership of the board for terms of one year begin-
10 ning with the ~~first secular day after the seventh day in July which~~
11 ~~date of appointment,~~ and the appointment and qualification shall be
12 entered of record in the minutes of the secretary. They shall qualify
13 within ten days following their appointment by taking the oath of of-
14 fice in the manner required by section 277.28 and filing a bond as re-
15 quired by section 291.2 and shall hold office until their successors are
16 appointed and qualified.

1 SEC. 2. Section two hundred seventy-nine point thirty (279.30),
2 Code 1975, is amended to read as follows:

3 **279.30 Annual settlements.** ~~On the first secular day after the~~
4 ~~seventh day in July~~ *At a regular or special meeting held in July*
5 *prior to or on July fifteenth,* the board of each school corporation
6 shall meet, examine the books of and settle with the secretary and trea-
7 surer for the year ending on the thirtieth day of June preceding, and
8 transact such other business as may properly come before it. The trea-
9 surer at the time of such settlement shall furnish the board with a
10 sworn statement from each depository showing the balance then on de-
11 posit in such depository. Should the secretary or treasurer fail to make
12 proper reports for such settlement, the board shall take action to secure
13 the same.

Approved May 2, 1975

CHAPTER 159

AREA SCHOOL SUPERINTENDENTS

H. F. 897

AN ACT relating to the salaries of area school superintendents.

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

1 SECTION 1. Section two hundred eighty A point twenty-three
2 (280A.23), subsection nine (9), Code 1975, is amended by striking the
3 subsection and inserting in lieu thereof the following:

4 9. Set the salary of the area superintendent. In setting the salary,
5 the board shall consider the salaries of administrators of educational
6 institutions in the merged area and the enrollment of the area school.

Approved June 29, 1975

CHAPTER 160

AREA SCHOOLS ADVISORY COMMITTEE

S. F. 544

AN ACT to abolish the state advisory committee on area schools.

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

1 SECTION 1. Section two hundred eighty A point thirty-three
2 (280A.33), subsections one (1) and two (2), Code 1975, are amended to
3 read as follows:

4 1. Approval standards, except as hereinafter provided, for area and
5 public community and junior colleges shall be initiated by the area
6 schools branch of the department and submitted to the state board of
7 public instruction and the state board of regents, through the state su-
8 perintendent of public instruction, for joint consideration and adop-
9 tion. ~~No proposed approval standard shall be adopted by the boards
10 until the standard has been submitted to the advisory committee creat-
11 ed by this chapter and its recommendations thereon obtained.~~

12 2. Approval standards for area vocational schools and for vocational
13 programs and courses offered by area community colleges shall be ini-
14 tiated by the area schools branch and submitted to the state board of
15 public instruction through the state superintendent of public instruc-
16 tion, for consideration and adoption. No such proposed approval stan-
17 dard shall be adopted by the state board until the standard has been
18 submitted to ~~the advisory committee created by this chapter and to the~~
19 advisory committee created by chapter 258 and ~~their~~ *its* recommenda-
20 tions thereon obtained.

1 SEC. 2. Sections two hundred eighty A point twenty-nine (280A.29)
2 through two hundred eighty A point thirty-two (280A.32), Code 1975,
3 inclusive, are repealed.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 161

TRANSPORTATION OF NONPUBLIC PUPILS

H. F. 465

AN ACT relating to the transportation of nonpublic school pupils outside the boundary lines of the school district of residence.

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

1 SECTION 1. Section two hundred eighty-five point one (285.1), sub-
2 section sixteen (16), Code 1975, is amended by adding the following
3 new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. As an alternative to the provisions
5 enumerated in this subsection, subject to the provisions of section two
6 hundred eighty-five point nine (285.9), subsection three (3), of the
7 Code, where practicable, and at the option of the public school district
8 in which a nonpublic school pupil resides, the school district may trans-
9 port a nonpublic school pupil to a nonpublic school located outside the

10 boundary lines of the public school district if the nonpublic school is
 11 located in a school district contiguous to the school district which is
 12 transporting the nonpublic school pupils, or may contract with the con-
 13 tiguous public school district in which a nonpublic school is located for
 14 the contiguous school district to transport the nonpublic school pupils
 15 to the nonpublic school of attendance within the boundary lines of the
 16 contiguous school district.

1 SEC. 2. Section two hundred eighty-five point one (285.1), subsec-
 2 tion seventeen (17), Code 1975, is amended by adding the following
 3 new paragraph:

4 NEW PARAGRAPH. Contracting with a contiguous public school dis-
 5 trict to transport resident nonpublic school pupils the entire distance
 6 from the nonpublic pupil's residence to the nonpublic school located in
 7 the contiguous public school district or from the boundary line of the
 8 public school district to the nonpublic school.

Approved June 6, 1975

CHAPTER 162

STATE HISTORICAL BOARD

H. F. 177

AN ACT relating to the membership of the state historical board.

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

1 SECTION 1. Section three hundred three point one (303.1), unnum-
 2 bered paragraph one (1), Code 1975, is amended to read as follows:

3 There is established the Iowa state historical department which shall
 4 be governed by a state historical board consisting of twelve members,
 5 six of whom shall be appointed by the governor and six of whom shall
 6 be elected by the members of the state historical society established in
 7 section 303.4 of this chapter. The members appointed by the governor
 8 shall include one professionally qualified architectural historian, one
 9 historian, and one archaeologist. ~~One member appointed by the gover-~~
 10 ~~nor and one member elected by the society shall be residents of each~~
 11 ~~congressional district. The members elected by the society shall in-~~
 12 ~~clude one resident of each congressional district.~~

Approved May 15, 1975

CHAPTER 163

TEMPORARY CLOSING OF HIGHWAYS

H. F. 99

AN ACT relating to temporary closing of highways.

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

1 SECTION 1. Section three hundred six point forty-one (306.41), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 The agency having jurisdiction and control over any highway in the
 5 state, or the chief engineer of said agency when delegated by such
 6 agency, may temporarily close sections of a highway by formal resolu-
 7 tion entered upon the minutes of such agency when reasonably neces-
 8 sary because of construction, reconstruction, maintenance or natural
 9 disaster and shall cause to be erected "road closed ~~enter at your own~~
 10 risk" signs and partial or total barricades in the roadway at each end
 11 of the closed highway section and on the closed highway where that
 12 highway is intersected by other highways if such intersection remains
 13 open. *Any numbered road closed for over 48 hours shall have a des-*
 14 *ignated detour route.* The agency having jurisdiction over a section of
 15 highway closed in accordance with the provisions of this section, or the
 16 persons or contractors employed to carry out the construction, recon-
 17 struction, or maintenance of the closed section of highway, shall not be
 18 liable for any damages to any vehicle that enters the closed section of
 19 highway or the contents of such vehicle or for any injuries to any per-
 20 son that enters the closed section of highway, unless the damages are
 21 caused by gross negligence of the agency or contractor.

Approved May 12, 1975

CHAPTER 164

TRANSPORTATION REGULATION BOARD

H. F. 73

AN ACT relating to the duties of the counsel of the transportation regulation board.

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

1 SECTION 1. Section three hundred seven point eighteen (307.18),
 2 subsections four (4), five (5), and six (6), Code 1975, are amended to
 3 read as follows:

4 4. Appoint such counsel as it deems necessary. *The counsel shall*
 5 *have the following duties and responsibilities:*

6 5 a. Investigate the legality of all rates, charges, tariffs, rules, *regu-*
 7 *lations*, and practices of all common carriers and persons under the ju-
 8 risdiction of the board, and institute civil proceedings before the board
 9 or any proper court to correct any illegality on the part of any com-
 10 mon carrier and prosecute the same to final determination.

11 6 b. Investigate the reasonableness of rates, tariffs, charges, rules,
 12 *regulations*, and practices of all such common carriers in interstate
 13 transportation when directed by the board, or when in the counsel's
 14 judgment they are unlawful, prejudicial, and discriminate against any
 15 city, community, business, industry or citizen of the state and institute
 16 before the interstate commerce commission or any other tribunal hav-
 17 ing jurisdiction and prosecute to final determination any proceeding
 18 growing out of such matters.

Approved April 8, 1975

CHAPTER 165

OPERATION OF RAILROAD TRAINS

H. F. 623

AN ACT providing for the approval of the transportation regulation board of ordinances and resolutions adopted by political subdivisions of the state which regulate the operation of railroad trains within the political subdivisions of the state.

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

1 SECTION 1. Section three hundred seven point eighteen (307.18),
 2 Code 1975, is amended by adding the following new subsection:
 3 NEW SUBSECTION. Approve any ordinance or resolution adopted by a
 4 political subdivision of this state which relates to the speed of a train
 5 in an area within the jurisdiction of the political subdivision. Any such
 6 speed ordinance or resolution adopted by a political subdivision of the
 7 state prior to July 1, 1975 which has not been approved by the Iowa
 8 state commerce commission shall be referred to the board by the politi-
 9 cal subdivision and shall be in full force and effect upon approval of
 10 the ordinance or resolution by the board. Nothing in this subsection
 11 shall be construed to abrogate, modify, or alter any historical or con-
 12 tractual agreement between a political subdivision of the state and a
 13 railroad corporation in existence on the effective date of this Act.

Approved June 29, 1975

CHAPTER 166

HIGHWAY EMPLOYEES MOVING EXPENSE

H. F. 81

AN ACT relating to the payment of transportation expenses for moving household goods for employees of the highway division of the state department of transportation.

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

1 SECTION 1. Section three hundred seven A point two (307A.2), sub-
 2 section three (3), Code 1975, is amended to read as follows:
 3 3. When in the interest of the state, the commission may allow a
 4 subsistence expense to an employee of the highway division of the de-
 5 partment for continuous stay in one location while on duty away from
 6 established headquarters and place of domicile or either for a period
 7 not to exceed forty-five days; allow automobile expenses in accordance
 8 with section 79.9, for moving an employee and his family from place of
 9 present domicile to new domicile, and actual transportation expense
 10 for moving ~~not to exceed seven thousand pounds~~ of household goods.
 11 Such household goods shall not include pets or animals.

Approved March 14, 1975

CHAPTER 167

DEPARTMENT OF TRANSPORTATION

H. F. 286

AN ACT relating to the duties, responsibilities and powers of the state department of transportation and the counties regarding secondary roads.

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

1 SECTION 1. Section three hundred seven A point two (307A.2), sub-
2 section one (1), Code 1975, is amended to read as follows:
3 1. Devise and adopt standard plans of highway construction ~~and~~
4 ~~maintenance~~, and furnish the same to the counties *and provide infor-*
5 *mation to the counties on the maintenance practices and policies of*
6 *the department.*

1 SEC. 2. Section three hundred seven A point two (307A.2), Code
2 1975, is amended by striking subsection four (4).

1 SEC. 3. Section three hundred nine point three (309.3), Code 1975,
2 is amended to read as follows:
3 **309.3 Secondary bridge system.** The secondary bridge system of
4 a county shall embrace all bridges and culverts ~~on all public highways~~
5 ~~within the county except on primary roads and on highways within cit-~~
6 ~~ies which control their own bridge levies, except that culverts which are~~
7 ~~thirty-six inches or less in diameter shall be constructed and main-~~
8 ~~tained by the city in which they are located on secondary roads as de-~~
9 ~~finied in section three hundred six point three (306.3), subsection~~
10 ~~four (4) of the Code.~~

1 SEC. 4. Section three hundred nine point seven (309.7), Code 1975,
2 is amended to read as follows:
3 **309.7 Levy for construction and maintenance.** The board of su-
4 pervisors may annually, ~~at its September session as a part of its regu-~~
5 ~~lar budget preparation~~, levy for secondary road construction and
6 maintenance purposes:
7 1. A tax of not to exceed three dollars and three-eighths cent per
8 thousand dollars of assessed value of all taxable property in the county
9 except on property within cities ~~which control their own bridge levies.~~
10 2. A tax not to exceed sixteen and seven-eighths cents per thousand
11 dollars of assessed value of all taxable property in the county.

1 SEC. 5. Section three hundred nine point twenty-two (309.22), Code
2 1975, is amended to read as follows:
3 **309.22 Construction program or project—progress report by en-**
4 **gineer.** On or before the first day of December of each year the
5 board of supervisors shall, subject to the approval of the department,
6 adopt a ~~comprehensive program~~ *project accomplishment list for the*
7 *next calendar year, and a project priority list for the next calendar*
8 *year succeeding four years* based upon the construction funds, *local*
9 *secondary and farm-to-market*, estimated to be available for such
10 year. *Subject to departmental approval, any project on the approved*
11 *priority list may be advanced to and constructed in the accomplish-*
12 *ment year and the project accomplishment list may be revised due*
13 *to unforeseen conditions.*

14 At the close of each year, the county engineer as a part of his annual
15 report to the said department shall include a statement of the progress
16 made toward the completion of each project contained in the approved
17 ~~program~~ *project accomplishment list on which work was accom-*

18 *plished*, a statement of the total amount expended on each such proj-
 19 *ect* during the year, and a statement of what portion of the work on
 20 each such project was done on contract and the amount so expended on
 21 each contract for each such project.

1 SEC. 6. Section three hundred nine point fifty-six (309.56), Code
 2 1975, is amended to read as follows:

3 **309.56 Surveys and reports Project plans.** *The survey and re-*
 4 *port of plans for each section, project, on which contracts will be let*
 5 *pursuant to the provisions of sections three hundred nine point*
 6 *forty (309.40), three hundred nine point forty-two (309.42), and three*
 7 *hundred nine point eighty (309.80), of the Code as soon as completed*
 8 *and approved by the board of supervisors, shall be submitted to the de-*
 9 *partment, and the board of supervisors may designate to the said de-*
 10 *partment what sections which projects, in their estimation, should be*
 11 *first passed upon by said department. The said department shall pass*
 12 *on such reports and plans, and in so doing, shall take into consider-*
 13 *ation the thoroughness, feasibility, and practicability of such plans*
 14 *and may approve or modify the same.*

1 SEC. 7. Section three hundred nine point sixty-seven (309.67), Code
 2 1975, is amended to read as follows:

3 **309.67 Repair and dragging Duties of county board of supervi-**
 4 **sors and the county engineer.** *The county board of supervisors and*
 5 *the engineer are charged with the duty of causing the secondary road*
 6 *system to be so repaired and dragged as to keep same in proper condi-*
 7 *tion, and shall adopt such methods as are is charged with the duty of*
 8 *establishing policies and providing adequate funds to properly*
 9 *maintain the secondary road system. The county engineer, pursu-*
 10 *ant to section three hundred nine point twenty-one (309.21) of the*
 11 *Code and board policy, shall adopt such methods and recommend*
 12 *such personnel and equipment necessary to maintain continuously, in*
 13 *the best condition practicable, the entire mileage of said system.*

14 *In addition to the above they shall specifically:*

15 1. *Keep all sluices, culverts, and bridges, and the openings thereof,*
 16 *and all side ditches of the road, free from obstructions.*

17 2. *Provide such side ditches with ample outlets.*

18 3. *Remove loose stones and other impediments from the traveled*
 19 *part of the highway.*

20 4. *Fill depressions and keep the road free from ruts, water pockets,*
 21 *and mud holes.*

22 5. *Repair the approaches to bridges and culverts and keep such ap-*
 23 *proaches smooth and free from obstruction.*

1 SEC. 8. Section three hundred nine point seventy-three (309.73), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Bridges and culverts on highways or on parts thereof, which are lo-
 5 cated along the corporate limits of cities and which are partly within
 6 and partly without such limits and which highways are in whole or in
 7 part secondary roads, shall be constructed under plans and specifica-
 8 tions, jointly agreed on by the city council and board of supervisors,
 9 and approved by the department. The city and county shall share
 10 *equally proportionally* in the cost. All matters in dispute between such
 11 city and county relative to such bridges and culverts shall be referred
 12 to the department and its decision shall be final and binding on both
 13 the city and county.

1 SEC. 9. Section three hundred nine point seventy-five (309.75),
2 Code 1975, is amended to read as follows:

3 **309.75 Definitions.** The term "culvert" shall include ~~all water-~~
4 ~~way structures having a total clear span of twelve feet or less, any~~
5 ~~structure not classified as a bridge which provides an opening un-~~
6 ~~der any roadway except that such term shall not include tile crossing~~
7 ~~the road, or intakes thereto, where such tile are a part of a tile line or~~
8 ~~system designed to aid subsurface drainage.~~

9 The term "bridge" shall include ~~all waterway structures having a~~
10 ~~clear span in excess of twelve feet any structure including supports,~~
11 ~~erected over a depression or an obstruction, as water, a highway or~~
12 ~~railroad, and having a track or passageway for carrying traffic or~~
13 ~~other moving loads and having a length measured along the center~~
14 ~~of the roadway of more than twenty feet between the undercopings~~
15 ~~of abutments or extreme ends of openings for multiple boxes.~~

16 *The length of a bridge structure is the overall length measured*
17 *along the line of survey stationing back to back of backwalls and*
18 *abutments, if present, or otherwise from end to end of the bridge*
19 *floor, but in no case less than the total clear opening of the struc-*
20 *ture.*

1 SEC. 10. Section three hundred nine point eighty-five (309.85),
2 Code 1975, is amended to read as follows:

3 **309.85 Bridges over state boundary line streams.** Ten percent
4 of the legal voters, as shown by the returns of the last general election,
5 of any county bordering upon a stream of water which forms the
6 boundary line of this state, may petition the board of supervisors to
7 submit to the voters the question whether such county shall be autho-
8 rized to construct and maintain a ~~foot and wagon~~ bridge extending
9 from such county across such boundary line river. Said petition shall
10 state the amount to be expended for said purpose.

1 SEC. 11. Section three hundred nine point ninety-four (309.94),
2 Code 1975, is amended to read as follows:

3 **309.94 Review by department.** The department shall have the
4 power to approve or disapprove the budget adopted by the board of su-
5 pervisors. If the budget is not approved, the department shall list the
6 disapproved expenditures and shall state the reasons for disapproval
7 when the budget is returned to the county. The department shall act
8 upon a budget and return the budget to the county within forty-five
9 days after the budget is received by the department. Upon disapproval
10 of any proposed expenditure in a budget, the county may submit a re-
11 vised budget to the department for approval. The department shall act
12 upon such a revised budget within ~~ten~~ *thirty* days.

1 SEC. 12. Section three hundred nine point ninety-five (309.95),
2 Code 1975, is amended to read as follows:

3 **309.95 Amendments.** The budget shall be binding except that
4 should bona fide unforeseen ~~or emergency~~ conditions arise, the board
5 of supervisors may amend such budget during the year for which it was
6 adopted. Such amendments shall be submitted to the department for
7 approval with a statement of the reasons necessitating the amendment.
8 The department shall approve or disapprove such amendments in the
9 same manner as original budget estimates except that the department
10 shall act upon and return such amendments within ~~fifteen~~ *thirty* days
11 after their receipt by the department. The department acting upon
12 budget amendments is directed to approve only such amendments as
13 are actually necessitated by ~~emergency~~ *unforeseen* conditions.

1 SEC. 13. Section three hundred ten point fourteen (310.14), Code
2 1975, is amended as follows:

3 **310.14 Bids—department or county supervisors.** When the ap-
4 proved plans and specifications for any farm-to-market ~~road funded~~
5 project are filed with the department, it shall, if the estimated cost ex-
6 ceeds one thousand dollars, proceed to advertise for bids and make rec-
7 ommended award of contract. Said recommended award of contract
8 shall be submitted to the board of supervisors of the county in which
9 said project is located for its concurrence. Upon receiving the concur-
10 rence of the county board on said recommended contract award, the
11 department shall take final action awarding said contract. Provided,
12 that the said department shall determine and advise the county board
13 as to any approved farm-to-market road project which is to be financed
14 without the use of federal funds. On such project the above procedure
15 ~~shall may~~ be reversed. ~~The and the~~ county board ~~shall~~ advertise for
16 bids, and, subject to concurrence by the department, award contract for
17 the construction work.

1 SEC. 14. Section three hundred ten point twenty-seven (310.27),
2 Code 1975, is amended to read as follows:

3 **310.27 Period of allocation—reversion.** The farm-to-market
4 road fund allotted to any county as provided in this chapter shall re-
5 main available for expenditure in said county for three years after the
6 close of the fiscal year during which said sums respectively were allo-
7 cated. Any sum remaining unexpended at the end of the period during
8 which it is available for expenditure, shall be reapportioned among all
9 the counties as provided in section 312.5 for original allocations.
10 For the purposes of this section, any sums of the farm-to-market
11 road fund allotted to any county shall be presumed to have been
12 “expended” when a contract shall have been ~~let by the department~~
13 *awarded* obligating said sums. *If a county does not plan to utilize its*
14 *allotted funds in any period up to one year, the funds may be tem-*
15 *porarily allocated to another county, at no interest, by written*
16 *agreement between the counties involved. The total of the temporar-*
17 *ily allocated funds received by a county shall not exceed the total*
18 *anticipated funds to that particular county’s farm-to-market fund*
19 *in the succeeding fiscal year and total reimbursement shall be com-*
20 *pleted by the end of the succeeding fiscal year.*

1 SEC. 15. Sections three hundred nine point ten (309.10) and three
2 hundred ten point thirty-two (310.32), Code 1975, are repealed.

1 SEC. 16. This Act, being deemed of immediate importance, shall
2 take effect, and be in force upon its publication in The Algona Upper
3 Des Moines, a newspaper published in Algona, Iowa and The Hum-
4 boldt Republican, a newspaper published in Humboldt, Iowa.

Approved April 16, 1975

I hereby certify that the foregoing Act, House File 286, was published in The Algona Upper Des Moines, Algona, Iowa, April 24, 1975, and in The Humboldt Republican, Humboldt, Iowa, April 23, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 168

SECONDARY ROAD CONTRACTS

S. F. 100

AN ACT relating to the advertisement, letting, and approval of secondary road contracts.

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

1 SECTION 1. Section three hundred nine point forty (309.40), Code
2 1975, is amended to read as follows:

3 **309.40 Advertisement and letting.** All contracts for road or
4 bridge construction work and materials therefor of which the engineer's
5 estimate exceeds ~~ten~~ *twenty* thousand dollars, except surfacing materi-
6 als obtained from local pits or quarries, shall be advertised and let at a
7 public letting.

1 SEC. 2. Section three hundred nine point forty-one (309.41), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **309.41 Optional advertisement and letting.** Contracts not em-
5 braced within the provisions of section 309.40 shall be either advertised
6 and let at a public letting; or, where the cost does not exceed the engi-
7 neer's estimate, let through informal bid procedure by contacting at
8 least three qualified bidders prior to letting the contract. The informal
9 bids received together with a statement setting forth the reasons for use
10 of the informal procedure and bid acceptance shall be entered in the
11 minutes of the board of supervisors meeting at which such action was
12 taken.

13 Nothing contained in this section shall be deemed to prohibit the
14 board of supervisors from purchasing material and using county equip-
15 ment and regularly employed county road personnel on a project with-
16 in their capability as determined by the county engineer.

1 SEC. 3. Section three hundred nine point forty-two (309.42), Code
2 1975, is amended to read as follows:

3 **309.42 Approval of road contracts.** Contracts for road construc-
4 tion work which, according to the engineer's estimate, involve a cost of
5 ~~two~~ *five* thousand dollars or more per mile, or more than ~~ten~~ *twenty*
6 thousand dollars in the aggregate shall be first approved by the depart-
7 ment before the same shall be effective as a contract.

1 SEC. 4. Section three hundred nine point eighty (309.80), Code
2 1975, is amended to read as follows:

3 **309.80 Approval of contract.** Any proposed contract which shall
4 exceed the sum of ~~two~~ *ten* thousand dollars for any one bridge or cul-
5 vert, ~~or repairs thereof~~, shall be first approved by the department be-
6 fore the same shall be effective as a contract.

Approved July 16, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 169

RHAMNUS FRANGULA

H. F. 67

AN ACT to remove a certain species from the list of noxious weeds.

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

1 SECTION 1. Section three hundred seventeen point one (317.1), sub-
 2 section one (1), Code 1975, is amended to read as follows:
 3 1. Primary noxious weeds, which shall include quack grass (*Agropy-*
 4 *ron repens*), perennial sow thistle (*Sonchus arvensis*), Canada thistle
 5 (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*), European morn-
 6 ing glory or field bindweed (*Convolvulus arvensis*), horse nettle (*So-*
 7 *lanum carolinense*), leafy spurge (*Euphorbia esula*), perennial pepper-
 8 grass (*Lepidium draba*), Russian knapweed (*Centaurea repens*), buck-
 9 thorn (*Rhamnus*, *not to include Rhamnus frangula*), and all other
 10 species of thistles belonging in genera of *Cirsium* and *Carduus*.

Approved February 28, 1975

CHAPTER 170

RAILROADS

H. F. 127

AN ACT to revise and repeal obsolete provisions of the railroad laws.

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

1 SECTION 1. Section three hundred twenty-one point one (321.1), sub-
 2 sections twenty-eight (28) and twenty-nine (29), Code 1975, are amend-
 3 ed to read as follows:

4 28. "Railroad" means a carrier of persons or property upon cars, ~~oth-~~
 5 ~~er than streetcars~~, operated upon stationary rails.

6 29. "Railroad train" means ~~a steam~~ *an engine or locomotive*; ~~elec-~~
 7 ~~tric or other motor~~, with or without cars coupled thereto, operated
 8 upon rails; ~~except streetcars~~.

1 SEC. 2. Section three hundred twenty-one point one (321.1), Code
 2 1975, is amended by adding the following new subsection:

3 "Railroad Corporation" means any corporation organized under the
 4 laws of this state or any other state for the purpose of operating the
 5 railroad within this state.

1 SEC. 3. Section three hundred twenty-one point one (321.1), Code
 2 1975, is amended by striking subsection thirty (30).

1 SEC. 4. Section four hundred seventy-four point thirteen (474.13),
 2 Code 1975, is amended to read as follows:

3 **474.13 Connections and shelter.** Should any railroad or trans-
 4 portation company in this state ~~fail to provide proper shelter for its pa-~~
 5 ~~trons at stations where two or more tracks are operated~~, or fail or refuse
 6 to connect by proper switches or tracks with the tracks or lines of other
 7 railroad or transportation companies, the department may require such
 8 railroad or transportation company to provide the same in such man-
 9 ner and upon such conditions as it may determine.

1 SEC. 5. Section four hundred seventy-four point fourteen (474.14),
2 Code 1975, is amended to read as follows:

3 **474.14 Changes in operation and improvements.** When, in the
4 judgment of the department, any railway corporation fails in any re-
5 spect to comply with the terms of its charter or articles of incorporation
6 or the laws of the state; or when in its judgment any repairs are neces-
7 sary upon its road; ~~or any addition to its rolling stock, or addition to~~
8 ~~or change in its stations or station houses, or the equipment thereof,~~
9 ~~for the health and convenience of the public, or change in its rates of~~
10 ~~fare for transporting freight or passengers, or change in the mode of~~
11 ~~operating its road or conducting its business, is reasonable and exped-~~
12 ~~ient in order to promote the security, convenience, and accommodation~~
13 ~~of the public, the department may make an order prescribing such im-~~
14 ~~provements and changes as it finds to be proper and shall serve a no-~~
15 ~~tice an order upon such corporation; in the manner provided for the~~
16 ~~service of an original notice in a civil action, which notice shall be~~
17 ~~signed by its secretary.~~ A report of such proceedings shall be included
18 in its annual report to the governor. Nothing in this or sections 474.12
19 and 474.13 shall be so construed as relieving any railroad company
20 from its responsibility or liability for damage to person or property.

1 SEC. 6. Section four hundred seventy-seven point seventeen
2 (477.17), Code 1975, is amended to read as follows:

3 **477.17 Switch engines—safety devices.** It shall be unlawful for
4 any railway or terminal transfer company, or any corporation operat-
5 ing locomotives in switching or yard service, to operate, or permit the
6 same to be operated, unless said locomotives are equipped with head-
7 light on both front and rear of engine, when operated between sunset
8 and sunrise, and all such engines shall be equipped with a footboard of
9 substantially uniform height, width, and length, securely fastened ~~and~~
10 ~~firmly braced to the pilot beam in front of engine,~~ and a similar foot-
11 board on ~~the rear of tank or tender end~~ of engines, upon which em-
12 ployees may stand or ride when their duties require them so to do, and
13 that a substantial grab rail or rod be securely fastened ~~upon said pilot~~
14 ~~beam~~ at each end and in the center, at a convenient height for employ-
15 ees to reach and hold on to with their hands, ~~said rod to extend across~~
16 ~~the full length of the said pilot beam,~~ and also across the rear end
17 beam of said tank or tender of the engine.

1 SEC. 7. Section four hundred seventy-seven point twenty-two
2 (477.22), Code 1975, is amended to read as follows:

3 **477.22 Headlights and taillights.** It shall be the duty of every
4 person, firm, or corporation owning or operating any line of railway
5 within the state, except lines under twenty miles in length operated
6 wholly within this state, to equip all locomotives, power vehicles, pow-
7 er cars, or other equipment used as the equivalent of or in place of a
8 locomotive, when used in the transportation of passengers, employees
9 or freight, with a headlight of sufficient candlepower, measured with a
10 reflector, to throw a light in clear weather that will enable the operator
11 of same to plainly discern an object the size of an adult person lying
12 prone on the track at a distance of eleven hundred feet from the head-
13 light, and thereafter to maintain and use such headlights upon every
14 such locomotive, vehicle, car, or other equipment; provided, however,
15 that track power cars, engines or locomotives when used during the
16 nighttime by employees in the performance of work, shall be equipped
17 to equip such power track car, engines or locomotives with an elec-
18 tric headlight of sufficient candlepower, measured with a reflector to
19 throw a light in clear weather that will enable the operator to see an

20 obstruction on the track for a distance of *five eight* hundred feet *in*
 21 *clear weather*, also two rear electric red lights of such construction and
 22 sufficient candlepower to be plainly visible.

1 SEC. 8. Section four hundred seventy-seven point twenty-three
 2 (477.23), Code 1975, is amended to read as follows:

3 **477.23 Exceptions.** Section 477.22 shall not be construed to ap-
 4 ply to power cars used by ~~street railways and operated wholly within~~
 5 ~~the corporate limits of any city, nor to engines or other equipment~~
 6 used exclusively for switching purposes, nor to engines or other equip-
 7 ment running after sunrise and before sunset.

1 SEC. 9. Section four hundred seventy-seven point twenty-six
 2 (477.26), Code 1975, is amended to read as follows:

3 **477.26 Standard caboose cars.** The provisions of sections 477.27
 4 and 477.28 shall apply to any corporation or to any person or persons
 5 while engaged as common carriers in the transportation by railroads of
 6 passengers or property within the state ~~except interurban~~, to which the
 7 regulative power of this state extends.

1 SEC. 10. Section four hundred seventy-seven point thirty-seven
 2 (477.37), Code 1975, is amended to read as follows:

3 **477.37 Depots—closets—sanitation.** At all railway stations in
 4 this state, where a depot ~~and waiting rooms for passengers are~~ is main-
 5 tained, there shall be within the same, or connected therewith, sanitary
 6 closets, including separate closets for women which, in cities having a
 7 system of sewerage so located that the same can be reasonably used by
 8 the railroad property, shall be thoroughly drained, constructed, and
 9 plumbed according to approved sanitary principles and said depots
 10 and closets shall be kept in a clean and sanitary condition, free from
 11 any offensive odors. Depots in cities not provided with a sewerage sys-
 12 tem, shall be provided with privies or closets properly screened and
 13 separated for the use of males and females, which shall be cleaned and
 14 disinfected as often as necessary to keep and maintain them in an ap-
 15 proved sanitary condition.

1 SEC. 11. Section four hundred seventy-seven point forty-two
 2 (477.42), Code 1975, is amended to read as follows:

3 **477.42 Freight, passenger, express, and telegraph offices.** All
 4 railroads ~~terminating~~ in the state shall establish and maintain ~~at such~~
 5 ~~terminus general freight and passenger operating offices, and express~~
 6 ~~or telegraph offices when operating an independent express or tele-~~
 7 ~~graph company~~, at localities accessible and convenient to the public,
 8 and ~~there keep for sale tickets over their respective roads, and, in ad-~~
 9 ~~vertising, correctly set forth their true connections, starting or terminal~~
 10 ~~points, timetables, and freight tariffs.~~

1 SEC. 12. Section four hundred seventy-seven point fifty-seven
 2 (477.57), Code 1975, is amended to read as follows:

3 **477.57 Power to eject passenger.** Any conductor of a railway
 4 train, ~~or streetcar, or interurban ear~~ carrying passengers shall have the
 5 right to refuse to permit any person, not in the custody of an officer,
 6 to enter any passenger car on his train, ~~or streetcar, or interurban ear~~
 7 in his charge, who shall be in a state of intoxication; and shall have
 8 the further right to eject from his train at any station, ~~or from his~~
 9 ~~streetcar, or interurban ear~~ at any regular stop, any person found in a
 10 state of intoxication or ~~drinking intoxicating liquors as a beverage, or~~
 11 ~~using profane or indecent language, disturbing the peace~~ and for that
 12 purpose may call to his aid any employee of the railway ~~or streetcar or~~
 13 ~~interurban company.~~

1 SEC. 13. Section four hundred seventy-eight point one (478.1), Code
2 1975, is amended to read as follows:

3 **478.1 Cattle guards Crossings—signs.** Every corporation con-
4 structing or operating a railway shall make ~~proper cattle guards where~~
5 ~~the same enters or leaves any improved or fenced land~~, and construct
6 at all points where such railway crosses any public road good, suffi-
7 cient, and safe crossings ~~and cattle guards~~, and erect at such points, at
8 a sufficient elevation from such roads as to admit of free passage of ve-
9 hicles of every kind, a sign with large and distinct letters placed there-
10 on, to give notice of the proximity of the railway, and warn persons of
11 the necessity of looking out for trains. Any railway company neglect-
12 ing or refusing to comply with the provisions of this section shall be li-
13 able for all damages sustained by reason of such refusal or neglect, and
14 it shall only be necessary, in order to recover, for the injured party to
15 prove such neglect or refusal.

1 SEC. 14. Section four hundred seventy-eight point two (478.2), Code
2 1975, is amended to read as follows:

3 **478.2 Railway fences required.** All railway corporations owning
4 or operating a line of railway within the state, shall construct, main-
5 tain, and keep in repair a fence on each side of the right of way; ~~so~~
6 ~~connected with cattle guards at all public road crossings as to prevent~~
7 livestock getting upon the tracks. ~~All such rights of way shall be fenced~~
8 ~~within six months after the completion of the track or any part thereof.~~

1 SEC. 15. Section four hundred seventy-eight point six (478.6), Code
2 1975, is amended to read as follows:

3 **478.6 Failure to fence.** Any corporation operating a railway and
4 failing to fence its right of way ~~against livestock running at large or to~~
5 ~~maintain proper and sufficient cattle guards at all points where the~~
6 ~~right to fence or maintain cattle guards exists~~, shall be liable to the
7 owner of any stock killed or injured by reason of the want of such
8 fence ~~or cattle guards~~ for the full amount of the damages sustained by
9 the owner, unless it was occasioned by the willful act of such owner or
10 his agent; and to recover the same it shall only be necessary for him to
11 prove the loss of or injury to his property.

1 SEC. 16. Section four hundred seventy-eight point seven (478.7),
2 Code 1975, is amended to read as follows:

3 **478.7 Double damages.** If such corporation fails or neglects to
4 pay such damages within ~~thirty~~ *ninety* days after notice in writing
5 that a loss or injury has occurred, accompanied by an affidavit thereof,
6 served upon any officer or station or ticket agent employed by said
7 corporation in the county where such loss or injury occurred, such own-
8 er shall be entitled to recover from the corporation double the amount
9 of damages actually sustained by him.

1 SEC. 17. Section four hundred seventy-eight point twelve (478.12),
2 Code 1975, is amended to read as follows:

3 **478.12 Private crossings.** When any person owns land on both
4 sides of any railway, or when a railway runs parallel with a public
5 highway thereby separating a farm from such highway, the corporation
6 owning or operating such railway, on request of the owner of such land
7 or farm, shall construct and maintain a safe and adequate farm cross-
8 ing or roadway across such railway and right of way at such reasonable
9 place as the owner of the land may designate; ~~and shall construct and~~
10 ~~maintain a cattle guard on each side of such roadway where it crosses~~
11 ~~the track, connected by wing or cross fences to the fences on each side~~
12 ~~of the right of way.~~

1 SEC. 18. Section four hundred seventy-eight point nineteen
2 (478.19), Code 1975, is amended to read as follows:

3 **478.19 Signals at road crossings.** A bell and a ~~steam whistle~~
4 ~~horn~~ shall be placed on each locomotive engine operated on any rail-
5 way, which ~~whistle horn~~ shall be ~~twice sharply~~ sounded at least ~~sixty~~
6 ~~rods one thousand feet~~ before a road crossing is reached, and after the
7 sounding of the ~~whistle horn~~ the bell shall be rung continuously until
8 the crossing is passed; but at street crossings within the limits of cities
9 the sounding of the ~~whistle horn~~ may be omitted, unless required by
10 ordinance or resolution of the council thereof; and the company shall
11 be liable for all damages which shall be sustained by any person by
12 reason of such neglect.

1 SEC. 19. Section four hundred seventy-eight point twenty-nine
2 (478.29), Code 1975, is amended to read as follows:

3 **478.29 Grade crossings.** The department shall have jurisdiction
4 over all crossings at grade of ~~steam and interurban~~ railways within
5 the state. Upon the application of any ~~interurban~~ railway or upon its
6 own motion, the said department may require the trains of any ~~steam~~
7 railway to stop at any crossing of such railway tracks at grade or said
8 department may make such rules and regulations in relation to speed
9 or other methods of operation at such grade crossings as in its judg-
10 ment are necessary to protect the public safety. ~~This section shall be~~
11 ~~construed as an exception to the general rule as provided by law, with~~
12 ~~reference to interurban railways being street railways within cities and~~
13 ~~town.*~~

1 SEC. 20. Section four hundred seventy-eight point thirty-one
2 (478.31), Code 1975, is amended to read as follows:

3 **478.31 Stopping at crossings—exceptions.** Except as otherwise
4 in this chapter provided in relation to interlocking switches at railway
5 grade crossings and ~~except as otherwise provided in section 478.30~~, all
6 trains ~~run operated~~ upon any ~~steam~~ railroad in this state which inter-
7 sects and crosses any other railroad upon the same level, shall be
8 brought to a full stop at a distance of not less than two hundred nor
9 more than eight hundred feet from the point of intersection or cross-
10 ing, before such intersection or crossing is passed.

1 SEC. 21. Section four hundred seventy-nine point one (479.1), Code
2 1975, is amended to read as follows:

3 **479.1 Applicability of chapter.** The provisions of this chapter
4 shall apply to the transportation of passengers and property, and to
5 the receiving, delivering, storing, and handling of property wholly
6 within this state, and shall apply to all railroad corporations, ~~express~~
7 ~~companies, ear companies, sleeping ear companies,~~ freight or freight-
8 line companies, and to any common carrier engaged in this state in the
9 transportation of passengers or property by railroad therein, and to
10 shipments of property made from any point within the state to any
11 point within the state, whether the transportation of the same shall be
12 wholly within this state or partly within this state and partly within an
13 adjoining state.

1 SEC. 22. Section four hundred seventy-nine point six (479.6), Code
2 1975, is amended to read as follows:

3 **479.6 Burden of proof.** In any action in court, or before the ~~com-~~
4 ~~mission~~ department, brought against a railroad corporation for the
5 purpose of enforcing rights arising under the provisions of this and sec-

*According to enrolled Act

6 tions 479.3 to 479.5 and four hundred seventy-nine point four (479.4)
 7 of the Code the burden of proving that the provisions thereof have
 8 been complied with by such railroad corporation, shall be upon such
 9 railroad corporation.

1 SEC. 23. Section four hundred seventy-nine point ten (479.10), Code
 2 1975, is amended to read as follows:

3 **479.10 Interchange of traffic—switching and forwarding.** All
 4 common carriers shall, according to their respective powers, afford all
 5 reasonable, proper, and equal facilities for the interchange of traffic
 6 between their respective lines, and for the receiving, forwarding, and
 7 switching of cars, ~~passengers~~, and property to and from their several
 8 lines, and to and from other lines and places connected therewith; and
 9 shall not discriminate in their accommodations, rates, and charges be-
 10 tween such connecting lines. Any common carrier may be required to
 11 switch and transfer cars for another, for the purpose of being loaded or
 12 unloaded, upon such terms and conditions as may be prescribed by the
 13 department.

1 SEC. 24. Section four hundred seventy-nine point twenty-two
 2 (479.22), Code 1975, is amended to read as follows:

3 **479.22 Other evidence.** Sections Section 479.20 and 479.24 shall
 4 not be construed so as to exclude other evidence tending to show any
 5 unjust discrimination in freight or passenger rates.

1 SEC. 25. Section four hundred seventy-nine point twenty-three
 2 (479.23), Code 1975, is amended to read as follows:

3 **479.23 Railways included.** The provisions of sections 479.20 to
 4 and 479.22 shall apply to any railway, the branches thereof, and any
 5 road or roads which any railway corporation has the right, license or
 6 permission to use, operate or control, wholly or in part, within this
 7 state.

1 SEC. 26. Section four hundred seventy-nine point twenty-five
 2 (479.25), Code 1975, is amended to read as follows:

3 **479.25 Switching charges.** Nothing in sections section 479.20 to
 4 479.24 shall be so construed as to prevent railroad companies or the de-
 5 partment from establishing schedules of reasonable charges applicable
 6 to switching services only, and which shall be independent of any
 7 schedule of charges which may be provided for the regular line haul
 8 freight service of common carriers.

1 SEC. 27. Section four hundred seventy-nine point twenty-nine
 2 (479.29), Code 1975, is amended to read as follows:

3 **479.29 Penalty for discrimination.** Any such corporation
 4 guilty of extortion, or of making any unjust discrimination as to pas-
 5 senger or freight rates, or the rates for the use and transportation of
 6 railway cars, or in receiving, handling, or delivering freights, shall,
 7 upon conviction thereof, be fined in any sum not less than one thou-
 8 sand dollars nor more than five thousand dollars for the first offense,
 9 and for each subsequent offense not less than five thousand nor more
 10 than ten thousand dollars—such fine to be imposed in a criminal prose-
 11 cution by indictment; or shall be subject to the liability prescribed in
 12 section 479.30, to be recovered as therein provided.

1 SEC. 28. Section four hundred seventy-nine point thirty-four
 2 (479.34), Code 1975, is amended to read as follows:

3 **479.34 Connecting lines.** Every owner or consignor of freight to
 4 be transported by railway from any point within this state to any other

5 point within this state shall have the right to require that the same
 6 shall be transported over two or more connecting lines of railway, to be
 7 transferred at the connecting point or points without change of car or
 8 cars if in carload lots, and with or without change of car or cars if in
 9 less than carload lots, whenever the distance from the place of ship-
 10 ment to destination, both being within this state, is less over two or
 11 more connecting lines of railway than it is over a single line of railway,
 12 or where the initial line does not reach the place of destination; and it
 13 shall be the duty, upon the request of any such owner or consignor of
 14 freight, made to the initial company, of such railway companies whose
 15 lines so connect, to transport the freight without change of car or cars
 16 if the shipment be in a carload lot or lots, and with change of car or
 17 cars if it be in less than carload lots, from the place of shipment to des-
 18 tination, whenever the distance from the place of shipment to destina-
 19 tion, both being within this state, is less than the distance over a single
 20 line, or when the initial line does not reach the point of destination,
 21 for a reasonable joint through rate. ~~This section shall apply to interur-~~
 22 ~~ban railways and their connection with ordinary steam railways.~~

1 SEC. 29. Section four hundred seventy-nine point ninety-eight
 2 (479.98), Code 1975, is amended to read as follows:

3 **479.98 Names of free pass beneficiaries reported.** Every com-
 4 mon carrier of passengers within the provisions of ~~sections 479.93 to~~
 5 ~~479.97 this chapter~~ shall, whenever so requested *by the department,*
 6 *file with the department a sworn statement* showing the names of all
 7 persons within this state holding, or to whom during the preceding
 8 year such carrier issued, furnished, or gave a free ticket, free pass, free
 9 transportation, or a discriminating reduced rate, except wage earners of
 10 common carriers in their ordinary employment and families of such
 11 wage earners, and disclosing such further information as will enable
 12 the department to determine whether the person to whom it was issued
 13 was within the exception of said provisions.

1 SEC. 30. Section four hundred eighty-one point three (481.3), Code
 2 1975, is amended to read as follows:

3 **481.3 Spur tracks.** Every railroad, ~~whether operated by steam or~~
 4 ~~electricity,~~ shall acquire the necessary rights of way for, by condemna-
 5 tion or purchase, and shall construct, connect, and operate and main-
 6 tain a reasonably adequate and suitable spur track, whenever such spur
 7 track does not necessarily exceed three miles in length, and is required
 8 for the successful operation of any existing or proposed mill, elevator,
 9 storehouse, warehouse, dock, wharf, pier, manufacturing establishment,
 10 lumber yard, coal dock, or other industry or enterprise, and its con-
 11 struction and operation is not unusually unsafe and dangerous, and is
 12 not unreasonably harmful to public interest. No such track is required
 13 to be constructed until, or if hereafter constructed need not be main-
 14 tained unless, the department, after hearing, shall have declared the
 15 same to be necessary.

1 SEC. 31. Section four hundred eighty-three point one (483.1), sub-
 2 section one (1), Code 1975, is amended to read as follows:

3 1. To aid any railway incorporated under the laws of this state in
 4 constructing a projected ~~steam~~ railway into, through, or along a dis-
 5 trict composed of a township or a city.

1 SEC. 32. Section four hundred eighty-three point one (483.1), Code
 2 1975, is amended by striking subsection two (2).

1 SEC. 33. Sections three hundred twenty-one point three hundred
2 thirty-five (321.335), three hundred twenty-one point three hundred
3 thirty-six (321.336), three hundred twenty-one point three hundred
4 thirty-seven (321.337), three hundred twenty-one point three hundred
5 thirty-eight (321.338), three hundred twenty-one point three hundred
6 thirty-nine (321.339), four hundred seventy-four point twenty-two
7 (474.22), four hundred seventy-six point one (476.1), four hundred
8 seventy-six point two (476.2), four hundred seventy-six point three
9 (476.3), four hundred seventy-six point four (476.4), four hundred
10 seventy-six point five (476.5), four hundred seventy-six point six
11 (476.6), four hundred seventy-six point seven (476.7), four hundred
12 seventy-six point eight (476.8), four hundred seventy-six point nine
13 (476.9), four hundred seventy-six point ten (476.10), four hundred
14 seventy-six point eleven (476.11), four hundred seventy-six point twelve
15 (476.12), four hundred seventy-six point thirteen (476.13), four hundred
16 seventy-six point fourteen (476.14), four hundred seventy-six point
17 fifteen (476.15), four hundred seventy-six point sixteen (476.16), four
18 hundred seventy-six point seventeen (476.17), four hundred seventy-six
19 point eighteen (476.18), four hundred seventy-six point nineteen
20 (476.19), four hundred seventy-six point twenty (476.20), four hundred
21 seventy-six point twenty-one (476.21), four hundred seventy-six point
22 twenty-four (476.24), four hundred seventy-six point twenty-five
23 (476.25), four hundred seventy-six point twenty-six (476.26), four
24 hundred seventy-seven point five (477.5), four hundred seventy-seven
25 point six (477.6), four hundred seventy-seven point seven (477.7), four
26 hundred seventy-seven point eight (477.8), four hundred seventy-seven
27 point nine (477.9), four hundred seventy-seven point ten (477.10), four
28 hundred seventy-seven point eleven (477.11), four hundred seventy-
29 seven point twenty (477.20), four hundred seventy-seven point twenty-
30 one (477.21), four hundred seventy-seven point twenty-nine (477.29),
31 four hundred seventy-seven point thirty (477.30), four hundred
32 seventy-seven point thirty-one (477.31), four hundred seventy-seven
33 point thirty-two (477.32), four hundred seventy-seven point thirty-three
34 (477.33), four hundred seventy-seven point thirty-four (477.34), four
35 hundred seventy-seven point thirty-five (477.35), four hundred seventy-
36 seven point thirty-six (477.36), four hundred seventy-seven point forty-
37 three (477.43), four hundred seventy-seven point forty-four (477.44),
38 four hundred seventy-seven point forty-five (477.45), four hundred
39 seventy-seven point forty-six (477.46), four hundred seventy-seven
40 point forty-seven (477.47), four hundred seventy-seven point forty-eight
41 (477.48), four hundred seventy-seven point forty-nine (477.49), four
42 hundred seventy-seven point fifty (477.50), four hundred seventy-seven
43 point fifty-one (477.51), four hundred seventy-seven point fifty-two
44 (477.52), four hundred seventy-seven point fifty-six (477.56), four
45 hundred seventy-eight point three (478.3), four hundred seventy-eight
46 point nine (478.9), four hundred seventy-eight point fourteen (478.14),
47 four hundred seventy-eight point fifteen (478.15), four hundred
48 seventy-eight point sixteen (478.16), four hundred seventy-eight point
49 seventeen (478.17), four hundred seventy-eight point eighteen (478.18),
50 four hundred seventy-eight point thirty (478.30), four hundred seventy-
51 eight point thirty-two (478.32), four hundred seventy-nine point five
52 (479.5), four hundred seventy-nine point twenty-one (479.21), four
53 hundred seventy-nine point forty-five (479.45), four hundred seventy-
54 nine point seventy-five (479.75), four hundred seventy-nine point
55 seventy-six (479.76), four hundred seventy-nine point seventy-seven
56 (479.77), four hundred seventy-nine point seventy-eight (479.78), four
57 hundred seventy-nine point seventy-nine (479.79), four hundred

58 seventy-nine point eighty-one (479.81), four hundred seventy-nine
 59 point eighty-two (479.82), four hundred seventy-nine point eighty-three
 60 (479.83), four hundred seventy-nine point eighty-four (479.84), four
 61 hundred seventy-nine point eighty-five (479.85), four hundred seventy-
 62 nine point eighty-six (479.86), four hundred seventy-nine point eighty-
 63 seven (479.87), four hundred seventy-nine point eighty-eight (479.88),
 64 four hundred seventy-nine point ninety-three (479.93), four hundred
 65 seventy-nine point ninety-four (479.94), four hundred seventy-nine
 66 point ninety-five (479.95), four hundred seventy-nine point ninety-six
 67 (479.96), four hundred seventy-nine point ninety-seven (479.97), four
 68 hundred seventy-nine point one hundred two (479.102), four hundred
 69 eighty point seven (480.7), four hundred eighty-three point three
 70 (483.3), four hundred eighty-three point sixteen (483.16), and four
 71 hundred eighty-three point twenty (483.20), Code 1975, are repealed.

1 SEC. 34. Chapters four hundred eighty-two (482), four hundred
 2 eighty-four (484), four hundred eighty-five (485), and four hundred
 3 eighty-six (486), Code 1975, are repealed.

Approved May 15, 1975

CHAPTER 171

VEHICLE REGISTRATION

H. F. 450

AN ACT relating to persons engaged in the buying and selling of certain motor vehicles and relating to vehicle registration by revising the registration application form and the registration filing system, requiring a bond to be posted in situations where vehicle ownership is not established, providing for publication of notice regarding vehicle registration renewals, increasing motorcycle and hearse registration fees, providing for receipt of new registration for all vehicles transferred in December, relating to braking and hitching requirements for certain travel trailers and semitrailers operated on the highways, relating to the width of vehicles carrying hay, straw or stover, and relating to the base price of a vehicle for registration purposes, subject to penalties provided by law.

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

1 SECTION 1. Section three hundred twenty-one point twenty (321.20),
 2 subsection one (1), Code 1975, is amended by striking the subsection
 3 and inserting in lieu thereof the following:

4 1. The name, social security number if available, bona fide residence
 5 and mailing address of the owner or if the owner is a firm, association
 6 or corporation, the application shall contain the business address and
 7 employer identification number of the owner if available.

1 SEC. 2. Section three hundred twenty-one point twenty-four
 2 (321.24), Code 1975, is amended to read as follows:

3 **321.24 Issuance of registration and certificate of title.** Upon
 4 receipt 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 registra-
 7 tion receipt and certificate of title and shall file the application, the
 8 manufacturer's or importer's certificate, certificate of title, or other evi-
 9 dence of ownership, as prescribed by the department. The registration
 10 receipt shall be delivered to the owner and shall contain upon the face
 11 thereof the date issued, the name and address of the owner, the regis-

12 tration number assigned to the vehicle, the title number assigned to
 13 the owner of the vehicle, the amount of the fee paid, the amount of
 14 tax paid pursuant to section 423.7, type of fuel used and such descrip-
 15 tion of the vehicle as determined by the department and upon the re-
 16 verse side a form for notice of transfer of the vehicle. ~~One copy of the~~
 17 ~~registration receipt shall be retained by the county treasurer in a regis-~~
 18 ~~tration number file and said file~~ *The county treasurer shall maintain*
 19 *in the county record system information contained on the registra-*
 20 *tion receipt. Such information shall be accessible by registration*
 21 *number and shall be open for public inspection during reasonable*
 22 *business hours. Two copies* ~~Such copies as the department may re-~~
 23 ~~quire shall be mailed to sent to the department in the manner and at~~
 24 ~~such time as the department on date of issuance may direct.~~ The cer-
 25 tificate of title shall contain upon the face thereof the identical infor-
 26 mation required upon the face of the registration receipt ~~and such~~
 27 ~~information shall be so placed on the title form as to permit the county~~
 28 ~~treasurer to prepare the certificate of title simultaneously with the reg-~~
 29 ~~istration receipt.~~ In addition thereto, the certificate of title shall con-
 30 tain a statement of the owner's title, the amount of tax paid pursuant
 31 to section 423.7, name and address of previous owner, and a statement
 32 of all ~~lien~~ *security interests* and encumbrances as shown in the appli-
 33 cation, upon the vehicle therein described including the nature of the
 34 ~~lien or liens~~ *security interest*, amount, date of notation and name and
 35 address of ~~lienholder or lienholders~~ *the secured party*. Said certificate
 36 shall bear thereon the seal of the county treasurer, ~~his~~ *the signature of*
 37 *the county treasurer* or that of ~~his~~ *the deputy county treasurer*, and
 38 shall provide space for the signature of the owner. The owner shall
 39 ~~write his name~~ *sign the certificate of title* in the space provided with
 40 pen and ink upon receipt of certificate of title. The certificate of title
 41 shall contain upon the reverse side a form for assignment of title
 42 or interest and warranty thereof by the owner, for reassignments by
 43 a licensed dealer and for application for a new certificate of title by
 44 the transferee as provided in this chapter. All certificates of title
 45 shall be typewritten ~~and shall be issued in triplicate or printed by~~
 46 ~~other mechanical means.~~ The original certificate of title shall be de-
 47 livered to the owner in the event no ~~lien security interest~~ or encum-
 48 brance appears thereon. Otherwise the certificate of title shall be
 49 delivered by the county treasurer to the person holding the first ~~lien~~
 50 *security interest* or encumbrance as shown in the certificate. ~~One copy~~
 51 ~~of the certificate shall be retained by the county treasurer in a title~~
 52 ~~number file in the manner prescribed by the department and shall re-~~
 53 ~~main in the file of the county issuing the title~~ *The county treasurer*
 54 *shall maintain in the county records system information contained*
 55 *on the certificate of title. Such information shall be accessible by title*
 56 *certificate number for a period of three years from the date of no-*
 57 *tification of cancellation of title or that a new title has been issued as*
 58 *provided in this chapter after which it may be destroyed. One copy*
 59 *Such copies as the department may require shall be mailed sent to*
 60 *the department on the date of issuance in the manner and at such*
 61 *time as the department shall direct.* The department shall designate
 62 a uniform system of title numbers so as to indicate the county of issu-
 63 ance.

1 SEC. 3. Section three hundred twenty-one point twenty-four (321.24),
 2 Code 1975, is amended by adding the following new unnumbered para-
 3 graph:

4 NEW UNNUMBERED PARAGRAPH. If the county treasurer or department
5 is not satisfied as to the ownership of the vehicle or that there are no
6 undisclosed security interests in it, the county treasurer or department
7 may register the vehicle but shall as a condition of issuing a certificate
8 of title and registration receipt, require the applicant to file with the
9 department a bond in the form prescribed by the department and executed
10 by the applicant, and either accompanied by the deposit of cash
11 with the department or also executed by a person authorized to conduct
12 a surety business in this state. The bond shall be in an amount
13 equal to one and one-half times the current value of the vehicle as determined
14 by the department and conditioned to indemnify any prior
15 owner and secured party and any subsequent purchaser of the vehicle
16 or person acquiring any security interest in it, and their respective successors
17 in interest, against any expense, loss or damage, including reasonable
18 attorney's fees, by reason of the issuance of the certificate of
19 title of the vehicle or on account of any defect in or undisclosed security
20 interest upon the right, title and interest of the applicant in and to
21 the vehicle. Any such interested person has a right of action to recover
22 on the bond for any breach of its conditions, but the aggregate liability
23 of the surety to all persons shall not exceed the amount of the bond.
24 The bond, and any deposit accompanying it, shall be returned at the
25 end of three years or prior thereto if the vehicle is no longer registered
26 in this state and the currently valid certificate of title is surrendered to
27 the department, unless the department has been notified of the pendency
28 of an action to recover on the bond.

1 SEC. 4. Section three hundred twenty-one point thirty-one (321.31),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321.31 Records system.** A state and county records system shall
5 be maintained in the following manner:

6 1. State records system. The department shall install and maintain a
7 records system which shall contain the name and address of the vehicle
8 owner, current and previous registration number, vehicle identification
9 number, make, model, style, date of purchase, registration certificate
10 number, maximum gross weight, weight, list price or value of the vehicle
11 as fixed by the department, fees paid and date of payment. The
12 records system shall also contain a record of the certificate of title including
13 the notation of all security interests recorded and released, and
14 such other information as the department deems necessary. The information
15 to be kept in the records system shall be entered within forty-eight
16 hours after receipt insofar as is practical. The records system
17 shall constitute the permanent record of ownership of each vehicle titled
18 under the laws of this state.

19 The department may make photostatic, microfilm, or other photographic
20 copies of certificates of title, registration receipts, or other records,
21 reports, or documents which are required to be retained by the
22 department. When copies have been made, the department may destroy
23 the original records in such manner as prescribed by the director.
24 The photostatic, microfilm, or other photographic copies, when no
25 longer of use, may be destroyed in the manner prescribed by the director,
26 subject to the approval of the state records commission. Photostatic,
27 microfilm, or other photographic copies of records shall be
28 admissible in evidence when duly certified and authenticated by the
29 officer having custody and control of the copies of records.

30 2. County records system. Each county treasurer's office shall maintain
31 a county records system for vehicle registration and certificate of

32 title documents. The records system shall consist of information from
 33 the certificate of title including the notation and cancellation of securi-
 34 ty interests, information from the registration receipt, and such infor-
 35 mation shall be maintained by retention of one copy of the registration
 36 receipt in a registration number file and one copy of the title certifi-
 37 cate in a title number file. In lieu of retaining one copy of the registra-
 38 tion receipt and one copy of the title certificate, the information may
 39 be maintained in such other manner as may be approved by the de-
 40 partment, provided such information is accessible by title certificate
 41 number and registration number.

42 The county treasurer may make photostatic, microfilm, or other pho-
 43 tographic copies of certificates of title, registration receipts, or other
 44 records, reports, or documents which are required to be retained by the
 45 county treasurer. When copies of records have been made, the county
 46 treasurer may destroy the original records three years after they have
 47 been issued, in such manner as prescribed by the department. When
 48 copies of records are no longer of use, they may be destroyed in a man-
 49 ner prescribed by the department. Photostatic, microfilm, or other pho-
 50 tographic copies of records shall be admissible in evidence when duly
 51 certified and authenticated by the officer having custody and control
 52 of the copies of records.

1 SEC. 5. Section three hundred twenty-one point forty (321.40), un-
 2 numbered paragraph two (2), Code 1975, is amended to read as fol-
 3 lows:

4 Registration receipts issued for renewals shall have the word "re-
 5 newal" imprinted thereon and, if the owner making a renewal applica-
 6 tion has been issued a certificate of title, the title number shall appear
 7 on the registration receipt. All registration receipts for renewals shall
 8 be typewritten or printed by other mechanical means ~~and shall be pre-~~
 9 ~~pared in quadruplicate. The original registration receipt shall be issued~~
 10 ~~to the applicant, one copy retained in the county treasurer's file and~~
 11 ~~two copies shall be forwarded to the department. The applicant shall~~
 12 ~~receive a registration receipt.~~

1 SEC. 6. Section three hundred twenty-one point forty (321.40),
 2 Code 1975, is amended by adding the following new unnumbered para-
 3 graph:

4 NEW UNNUMBERED PARAGRAPH. Not more than thirty days nor less
 5 than twenty days prior to December first the county treasurer shall
 6 cause to be published in a newspaper of general circulation in the
 7 county, a notice to vehicle owners. The notice shall contain a list of
 8 pertinent information which is required to register a vehicle. The no-
 9 tice shall also include a statement that application for renewal of a ve-
 10 hicle registration shall be made on or after December first of the year
 11 for which it is registered and that such renewal may be made by mail
 12 on or after November first. The county treasurer may deliver registra-
 13 tion plates and other registration documents on which application for
 14 renewal has been made in November, to the owner thereof, after the
 15 last day of November.

1 SEC. 7. Section three hundred twenty-one point forty-two (321.42),
 2 Code 1975, is amended by adding the following new unnumbered para-
 3 graph:

4 NEW UNNUMBERED PARAGRAPH. If a county treasurer issues vehicle
 5 registration documents for vehicles subject to registration for delivery
 6 to the owner through the United States postal service, and such docu-
 7 ments are lost or damaged in transit, the owner of the vehicle may file

8 application for reissuance of these documents, without cost, with the
 9 county treasurer which originally issued the documents not less than
 10 twenty days from the date the county treasurer placed such documents
 11 for delivery through the United States postal service. If the owner of
 12 the vehicle subject to registration receives the original registration doc-
 13 uments through the United States postal service after reissuance of du-
 14 plicate documents by the county treasurer, the owner of the vehicle
 15 shall surrender the original documents to the county treasurer not later
 16 than five days from the date of receipt of the original documents from
 17 the United States postal service.

1 SEC. 8. Section three hundred twenty-one point fifty (321.50), sub-
 2 sections three (3), four (4), and seven (7), Code 1975, are amended to
 3 read as follows:

4 3. Upon receipt of the application, the certificate of title, if any,
 5 and the required fee, the county treasurer shall note such security in-
 6 terest, and the date thereof, on the certificate over the signature of
 7 such officer or deputy and the seal of office. ~~He~~ *The county treasurer*
 8 shall also note such security interest and the date thereof ~~on the dupli-~~
 9 ~~cate of same on file. On that day he shall notify the department on~~
 10 ~~forms provided by the department, which shall note such security in-~~
 11 ~~terests on the duplicate title in its file in the county records system~~
 12 ~~and shall also notify the department.~~ The county treasurer shall then
 13 mail the certificate of title to the first secured party as shown thereon.

14 4. When a security interest is discharged, the holder thereof shall ex-
 15 ecute a release within fifteen days after payment is received, such re-
 16 lease to contain the certificate of title number, the date of the notation
 17 thereof, and the name and address of the person to whom the title
 18 shall be delivered when such delivery is requested as hereinafter pro-
 19 vided. The holder shall also note a cancellation of same on the face of
 20 the certificate of title over his, her or its signature, and deliver the re-
 21 lease and certificate of title to the county treasurer where title was is-
 22 sued. The county treasurer shall immediately note the cancellation of
 23 said security interest on the face of the certificate of title and ~~on the~~
 24 ~~duplicate of same on file in his office. On the same day he shall notify~~
 25 ~~the department, which shall note such release on the duplicate title in~~
 26 ~~its file in the county records system and shall also notify the de-~~
 27 ~~partment.~~ The county treasurer shall on the same day deliver the cer-
 28 tificate of title to the then first secured party or, if there is no such
 29 person, to the person as directed on the ~~lien security interest~~ release
 30 or, if there is no such person designated, then to the owner. Said can-
 31 cellation of the security interest shall be noted on the certificate of ti-
 32 tle by the county treasurer without charge. The holder of a ~~lien~~
 33 ~~security interest~~ discharged by payment who fails to release such ~~lien~~
 34 ~~security interest~~ as herein provided within fifteen days after being re-
 35 quested in writing to do so shall forfeit to the person making such pay-
 36 ment the sum of twenty-five dollars. Such request shall be on the
 37 release form as prescribed by the department and shall contain a state-
 38 ment signed by the owner setting forth the name and address of the
 39 person to whom the title shall be delivered.

40 7. Upon request of any person, the county treasurer shall issue a cer-
 41 tificate showing whether there are, on the date and hour stated there-
 42 in, any ~~liens security interests~~ noted on a particular vehicle's
 43 certificate of title, and the name and address of each secured party
 44 whose lien is noted thereon. The uniform fee for a written certificate
 45 shall be two dollars if the request for the certificate is on a form con-
 46 forming to standards prescribed by the secretary of state; otherwise,
 47 three dollars.

1 SEC. 9. Section three hundred twenty-one point one hundred five
2 (321.105), Code 1975, is amended by adding after unnumbered para-
3 graph two (2) the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. Upon application by a financial insti-
5 tution, as defined in section four hundred twenty-two point sixty-one
6 (422.61) of the Code, and approval of the application by the county
7 treasurer, the county treasurer in any county may authorize the finan-
8 cial institution to receive applications for renewal of vehicle registra-
9 tions and payment of the registration fees. The registration fees shall
10 be delivered to the county treasurer at the time the county treasurer
11 has processed the vehicle registration application. Registration fees re-
12 ceived with vehicle registration applications shall be designated as pub-
13 lic funds only upon receipt of such funds by the county treasurer from
14 the financial institution.

1 SEC. 10. Section three hundred twenty-one point one hundred six
2 (321.106), Code 1975, is amended to read as follows:

3 **321.106 Registration for fractional part of year.** Where there is
4 no delinquency and the registration is made in February or succeeding
5 months to and including November, registration fees for vehicles de-
6 signed to carry nine passengers or less shall be computed on the basis
7 of one-twelfth of the annual registration fee as provided in this chapter
8 multiplied by the number of unexpired months of the year. No fee
9 shall be required for the month of December for a ~~new car in good~~
10 ~~faith delivered during that month~~ *vehicle on which there is no delin-*
11 *quency.*

12 Where there is a delinquency, registration fees for vehicles designed
13 to carry property or more than nine passengers which are registered af-
14 ter January 31 shall be computed on the basis of the full annual fee,
15 plus penalties, for such vehicle. Where there is no delinquency and the
16 registration is made in February or succeeding months, registration
17 fees for vehicles designed to carry property or more than nine passen-
18 gers shall be computed on the basis of one-twelfth of the annual regis-
19 tration fees as provided in this chapter multiplied by the number of
20 unexpired months of the year. *No fee shall be required for the month*
21 *of December for vehicles on which there is no delinquency.*

22 Whenever any registration fee computed under this section contains
23 a fractional part of a dollar, the fee shall be computed to the nearest
24 whole dollar, except that any such fee so computed shall not be less
25 than five dollars, which amount shall be the fee collected. The fee so
26 computed for an original registration shall be deemed to be the annual
27 registration fee for the remainder of the registration year.

1 SEC. 11. Section three hundred twenty-one point one hundred sev-
2 enteen (321.117), Code 1975, is amended to read as follows:

3 **321.117 Motorcycle and hearse fees.** For all motorcycles the an-
4 nual fee shall be ~~five ten~~ dollars. When said motorcycle has been regis-
5 tered five times, the annual registration fee shall be ~~one-half the rate~~
6 ~~when new five dollars.~~ The annual registration fee for hearses shall be
7 ~~thirty fifty~~ dollars. Passenger car plates shall be issued for hearses.

1 SEC. 12. Section three hundred twenty-one point one hundred fifty-
2 seven (321.157), Code 1975, is amended to read as follows:

3 **321.157 Schedule of prices and weights.** Every manufacturer
4 *or importer* of a motor vehicle sold or offered for sale within this state,
5 either by the manufacturer, *importer*, distributor, dealer, or any other
6 person, shall, ~~on or before the first day of August, annually,~~ file in the
7 office of the department a sworn statement showing the various models

8 manufactured by ~~him~~ the manufacturer, importer, distributor, deal-
 9 er, or other person, and the retail list price and weight of each model
 10 concurrently with a public announcement of such prices or concu-
 11 rrently with notification of such prices to dealers licensed to sell
 12 such motor vehicles under chapter three hundred twenty-two (322)
 13 of the Code, whichever comes first as of August 1 of that year. He
 14 The manufacturer, importer, distributor, dealer, or other person
 15 shall also make the same report on subsequent new models manufac-
 16 tured prior to August 1 of the following year.

1 SEC. 13. Section three hundred twenty-one point one hundred sixty-
 2 one (321.161), Code 1975, is amended to read as follows:

3 **321.161 Department to fix values and weight.** The department
 4 shall, on or before the first day of August, annually, and at such other
 5 times as new makes or models of motor vehicles are offered for sale or
 6 sold in this state, fix the value and weight of each of the different
 7 makes and models of motor vehicles which are sold or offered for sale
 8 within the state. *The value and weight as fixed by the department*
 9 *shall, on 1975 and subsequent year model motor vehicles, be based*
 10 *on the original certification as provided in section three hundred*
 11 *twenty-one point one hundred fifty-seven (321.157) of the Code.*

1 SEC. 14. Section three hundred twenty-one point four hundred thir-
 2 ty (321.430), subsection three (3), Code 1975, is amended to read 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, *when operated on the highways of this state*, shall be
 8 equipped with brakes adequate to control the movement of and to stop
 9 and hold such vehicle, and so designed as to be applied by the driver
 10 of the towing motor vehicle from its cab, or with self-actuating brakes,
 11 and weight equalizing hitch with a sway control of a type approved by
 12 the director of ~~public safety transportation~~. Every semitrailer, travel
 13 trailer, or trailer coach of a gross weight of three thousand pounds or
 14 more shall be equipped with a separate, auxiliary means of applying
 15 the brakes on the semitrailer, travel trailer, or trailer coach from the
 16 cab of the towing vehicle. Trailers or semitrailers with a truck or truck
 17 tractor need only comply with the brake requirements.

1 SEC. 15. Section three hundred twenty-two point three (322.3), sub-
 2 section nine (9), Code 1975, is amended to read as follows:

3 9. No person licensed under this chapter shall, either directly or
 4 through an agent, salesman or employee, engage in this state, or repre-
 5 sent or advertise that he is engaged or intends to engage in this state,
 6 in the business of buying or selling at retail new or used motor vehi-
 7 cles, *other than mobile homes more than eight feet in width or more*
 8 *than thirty-two feet in length as defined in section three hundred*
 9 *twenty-one point one (321.1) of the Code*, on the first day of the
 10 week, commonly known and designated as Sunday.

1 SEC. 16. Section three hundred twenty-one point thirty-four (321.34),
 2 Code 1975, as amended by Senate File 13 of the Sixty-sixth General
 3 Assembly, is amended by adding the following new paragraph:

4 NEW PARAGRAPH. Upon the transfer of ownership of a vehicle with
 5 registration plates which do not bear the designation of the county of
 6 the purchaser's or transferee's residence, the purchaser or transferee
 7 may, upon application to the county treasurer in accordance with sec-

8 tion three hundred twenty-one point forty-six (321.46) of the Code, also
 9 apply for new registration plates for the vehicle, and upon surrender of
 10 the plates for such vehicle and payment of an additional registration
 11 fee of five dollars, the county treasurer shall issue new registration
 12 plates for such vehicle bearing the designation of that county.

1 SEC. 17. Section three hundred twenty-one point four hundred fifty-
 2 four (321.454), Code 1975, is amended to read as follows:

3 **321.454 Width of vehicles.** The total outside width of any vehi-
 4 cle or the load thereon, ~~except loose hay or straw~~, shall not exceed
 5 eight feet. *However, if hay, straw, or stover moved on any imple-*
 6 *ment of husbandry and the total width of load of the implement of*
 7 *husbandry exceeds eight feet in width, the implement of husbandry*
 8 *shall not be subject to the permit requirements of chapter three*
 9 *hundred twenty-one E (321E) of the Code. If hay, straw, or stover is*
 10 *moved on any other vehicle subject to registration, such moves shall*
 11 *be subject to the permit requirements for transporting loads exceed-*
 12 *ing eight feet in width as required under chapter three hundred*
 13 *twenty-one E (321E) of the Code.*

1 SEC. 18. The provisions of section eleven (11) of this Act shall be-
 2 come effective December 1, 1975 for registrations made on or after De-
 3 cember 1, 1975 for the 1976 registration year.

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 172

VEHICLE INSPECTION

H. F. 502

AN ACT relating to vehicle inspection and issuing inspection orders by authorized employees.

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-eight (321.238), Code 1975, is amended by adding the following
 3 new numbered subsections:

4 NEW SUBSECTION. 25. As used in this section:

5 a. "Authorized officer" means an officer of the Iowa highway safety
 6 patrol designated by the commissioner of public safety to make a spot
 7 vehicle inspection or a state employee of the transportation regulation
 8 and safety division, or its successor, of the state department of trans-
 9 portation designated by the director to make a spot vehicle inspection.

10 b. "Spot vehicle inspection" means an equipment safety inspection
 11 of a vehicle conducted by an authorized officer to determine if the ve-
 12 hicle should be inspected at an inspection station and shall not include
 13 inspection of the "glove compartment" or "trunk" or any other area
 14 that is not essential to the performance of an equipment safety inspec-
 15 tion.

16 c. "Inspection order" means the form established by the department
 17 to be given to the operator of a vehicle by an authorized officer follow-
 18 ing a spot vehicle inspection when the vehicle requires further inspec-
 19 tion at an inspection station.

20 NEW SUBSECTION. 26. An authorized officer may stop and inspect a
 21 vehicle being operated on the highways for a spot vehicle inspection
 22 when the authorized officer observes that the vehicle is being operated
 23 in a peculiar, erratic, or unsafe manner that would give the authorized
 24 officer reason to believe that a mechanical defect exists in the vehicle
 25 that would create a hazard to the safety of other persons. An author-
 26 ized officer may also stop a vehicle and conduct a spot vehicle inspec-
 27 tion if upon visual inspection of the vehicle, the authorized officer
 28 determines that the head lamps, rear lamps or any other equipment re-
 29 quired by chapter three hundred twenty-one (321) of the Code is not in
 30 adequate condition or proper adjustment and would create a hazard to
 31 the safety of other persons. The authorized officer shall indicate on
 32 any inspection order issued the reasons for which the vehicle is stopped
 33 in addition to any safety equipment deficiencies found to exist during
 34 the spot vehicle inspection. If after performing the spot vehicle inspec-
 35 tion, the authorized officer determines to the best of his or her ability
 36 that operation of the vehicle does in fact create a hazard to the safety
 37 of other persons, the authorized officer may issue an inspection order
 38 to the operator and forward two copies to the department. The inspec-
 39 tion order shall direct that the vehicle be inspected at an inspection
 40 station within fourteen days. If the authorized officer determines that
 41 the operator of the vehicle is not the owner or custodian of the vehicle,
 42 this fact shall be indicated on the inspection order. The department,
 43 upon receipt of an inspection order with an indication the operator is
 44 not the owner or custodian, shall forward one copy by certified mail to
 45 the owner or custodian with return receipt requested by a date certain
 46 as fixed by the department pursuant to rules and the fourteen-day pe-
 47 riod to obtain a vehicle inspection shall begin on the date of return re-
 48 ceipt or return of the notice. If the vehicle is not inspected within the
 49 fourteen-day period it shall be deemed that the vehicle has not passed
 50 the inspection and the provisions of subsection eleven (11) of this sec-
 51 tion apply. Nothing in this subsection shall be construed to limit the
 52 applicability of sections three hundred twenty-one point three hundred
 53 eighty-one (321.381) and three hundred twenty-one point four hundred
 54 ninety-two (321.492), of the Code.

1 SEC. 2. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection four (4), Code 1975, is amended by
 3 adding the following new lettered paragraphs:

4 NEW LETTERED PARAGRAPH. Provide instruction and all necessary
 5 forms for inspection orders. The inspection order shall direct the owner
 6 or custodian of the vehicle to present the inspection order to the in-
 7 spection station for endorsement that the vehicle has been inspected
 8 and passed and an official certificate of inspection has been affixed.
 9 The inspection order shall direct that the vehicle be inspected at an in-
 10 spection station within fourteen days.

11 NEW LETTERED PARAGRAPH. Designate employees of the transporta-
 12 tion regulation and safety division, or its successor, of the state depart-
 13 ment of transportation to conduct spot inspections.

1 SEC. 3. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection ten (10), unnumbered paragraph two
 3 (2), Code 1975, is amended to read as follows:

4 Upon completion of inspection of a vehicle and determination that
 5 its equipment is in adequate condition and proper adjustment to war-
 6 rant issuance of a certificate of inspection, the inspection station which
 7 has made the inspection shall affix an official certificate of inspection
 8 to such vehicle in the manner specified by the director *and endorse on*

9 *any inspection order presented that the certificate of inspection has*
 10 *been issued and forward the inspection order to the department. Ex-*
 11 *cept as otherwise provided, the certificate shall be valid for the period*
 12 *commencing with the calendar month of issue and ending at midnight*
 13 *on the last day of the twelfth calendar month following the month of*
 14 *issue and shall not be valid thereafter. The certificate shall cease to be*
 15 *valid if the vehicle is sold at retail during the twelve-month period.*

1 SEC. 4. Section three hundred twenty-one point two hundred thirty-
 2 eight (321.238), subsection thirteen (13), Code 1975, is amended to
 3 read as follows:

4 13. Any peace officer who makes an investigation of an accident
 5 may direct that any motor vehicle involved in the accident shall be in-
 6 spected at an official inspection station within the time fixed by such
 7 peace officer *but in all cases within a period no longer than fourteen*
 8 *days. If the vehicle is undergoing repairs or parts necessary to make*
 9 *repairs are on order, the motor vehicle need not be inspected until*
 10 *such repairs are completed; provided, however, the motor vehicle*
 11 *shall not be driven upon the highways until the repairs have been*
 12 *completed and the vehicle has passed inspection, except to move it*
 13 *to and from an inspection station.*

14 *The peace officer shall include in the report required by section*
 15 *three hundred twenty-one point two hundred sixty-six (321.266) of*
 16 *the Code the date by which the inspection must be performed.*

Approved July 17, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 173

TRAILER REGISTRATION

H. F. 724

AN ACT relating to motor vehicles providing for registration of trailers and semitrailers for a three-year period and trip permits for commercial vehicles and the authority of the state department of transportation to negotiate vehicle registration apportionment agreements and providing a penalty.

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

1 SECTION 1. Section three hundred twenty-one point thirty-four
 2 (321.34), Code 1975, is amended by adding the following new unnum-
 3 bered paragraph:

4 NEW UNNUMBERED PARAGRAPH. In lieu of issuing annual registra-
 5 tion plates for trailers and semitrailers, the county treasurer or depart-
 6 ment may issue a multi-year registration plate for a three-year period
 7 upon payment of the appropriate registration fee. This section shall
 8 not apply to trailers and semitrailers registered pursuant to chapter
 9 three hundred twenty-six (326) of the Code.

1 SEC. 2. Section three hundred twenty-one point thirty-nine
 2 (321.39), Code 1975, is amended to read as follows:

3 **321.39 Expiration of registration.** Every vehicle registration un-
 4 der this chapter and every registration card and registration plate is-
 5 sued hereunder *except multi-year registration plates issued for*

6 trailers or semitrailers registered for a period of three years shall ex-
 7 pire at midnight on the thirty-first day of December of each year. The
 8 provisions of this section shall not apply to any vehicle which is regis-
 9 tered without the payment of fees as provided in section 321.19, but
 10 the registration plate or plates issued for such vehicle shall remain val-
 11 id until suspended or revoked or canceled by the department, or until
 12 the title or ownership of such vehicle has been transferred.

1 SEC. 3. Section three hundred twenty-one point one hundred five
 2 (321.105), Code 1975, is amended by adding the following new unnum-
 3 bered paragraph:

4 NEW UNNUMBERED PARAGRAPH. In addition to the payment of an an-
 5 nual registration fee for each trailer and semitrailer to be issued an
 6 Iowa registration plate, an additional registration fee may be paid for
 7 a period of two subsequent registration years. This section shall not ap-
 8 ply to trailers and semitrailers registered pursuant to chapter three
 9 hundred twenty-six (326) of the Code.

1 SEC. 4. Section three hundred twenty-one point one hundred twenty-
 2 six (321.126), Code 1975, is amended by adding the following new
 3 unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A refund for trailers and semitrailers
 5 issued a multi-year registration plate shall be paid by the department
 6 upon application.

1 SEC. 5. Section three hundred twenty-one point one hundred twenty-
 2 seven (321.127), Code 1975, is amended to read as follows:

3 **321.127 Amount of refund.** For December and each succeeding
 4 month the refund for motor vehicles shall be computed on the basis of
 5 one-fourth of the annual registration fee multiplied by the number of
 6 remaining quarters of the year from date of the return of the vehicles
 7 plates to the county treasurer, computed to the nearest quarter dollar.
 8 The department shall make refund on or before the fifteenth day of
 9 the quarter following the quarter in which the claim is filed with the
 10 department. *For trailers or semitrailers issued a multi-year registra-*
 11 *tion plate a refund shall be paid equal to the annual fee for twelve*
 12 *months times the remaining number of complete calendar years.*

1 SEC. 6. Section three hundred twenty-six point two (326.2), subsec-
 2 tion seven (7), Code 1975, is amended to read as follows:

3 7. "Fleet" means ~~two~~ one or more commercial vehicles ~~at least one~~
 4 ~~of which is a motor vehicle.~~

1 SEC. 7. Section three hundred twenty-six point six (326.6), Code
 2 1975, is amended by adding the following subsection:

3 NEW SUBSECTION.

4 3. The department may negotiate apportionment agreements on ei-
 5 ther a vehicle or a dollar basis. In apportionment on a vehicle basis, a
 6 sufficient number of vehicles shall be registered to produce total fee
 7 payments not less than an amount obtained by applying the propor-
 8 tion of in-state fleet miles to total fleet miles to the fees which would
 9 otherwise be required for total fleet registration in this state.

1 SEC. 8. Section three hundred twenty-six point twenty-three
 2 (326.23), Code 1975, is amended by striking the section and inserting in
 3 lieu thereof the following:

4 **326.23 Trip permits.**

5 1. The owner of a commercial vehicle which is properly registered
 6 and licensed in some other jurisdiction and is to be operated occasion-

7 ally on highways in this state, may in lieu of payment of the annual
8 registration fee for such vehicle obtain a trip permit authorizing opera-
9 tion of the vehicle on the highways of this state in interstate commerce
10 for a period of not to exceed seventy-two hours. The fee for the trip
11 permit shall be ten dollars.

12 2. The department may enter into agreements with owners and oper-
13 ators of truck stops to permit the owners and operators of truck stops to
14 issue trip permits subject to any conditions imposed by the depart-
15 ment. In addition to the trip permit fee, the owner or operator of a
16 truck stop may charge an issuance fee of not more than one dollar. For
17 the purposes of this section, "truck stop" means any place of business
18 which sells fuel normally used by trucks and which is open twenty-four
19 hours per day.

1 SEC. 9. Section three hundred twenty-six point twenty-seven
2 (326.27), Code 1975, is amended to read as follows:

3 **326.27 Violations to negate agreements.** Operation of a com-
4 mercial vehicle or vehicles in violation of the requirements of this
5 chapter, the motor vehicle registration laws of this state, or the terms
6 of any agreement negotiated by the department pursuant to this chap-
7 ter may, after due notice and hearing, be grounds for denial of recip-
8 rocal or proportional registration privileges on the vehicle or vehicles of
9 an owner so operated. Any owner denied such reciprocal or proportion-
10 al registration privileges shall be subject to payment of full annual
11 Iowa registration fees on any such vehicle operated on Iowa highways.
12 In addition to denial of reciprocal or proportional registration privi-
13 leges, it shall be a misdemeanor *punishable upon conviction by a*
14 *fine of not more than one hundred dollars or imprisonment in the*
15 *county jail for not more than thirty days*, unless such act is declared
16 under Iowa law to be a felony, ~~punishable as provided in section~~
17 ~~321.482~~ for any person to operate under reciprocity or proportional reg-
18 istration in violation of any requirements of this chapter.

1 SEC. 10. Chapter three hundred twenty-seven B (327B), Code 1975,
2 is amended by adding the following new section:

3 NEW SECTION. Any person violating the provisions of this chapter
4 shall, upon conviction, be subject to a fine of not more than one
5 hundred dollars or imprisonment in the county jail for not more than
6 thirty days.

1 SEC. 11. The provisions of sections one (1) through five (5) of this
2 Act shall become effective December 1, 1976 for trailers and semitrail-
3 ers registered on or after December 1, 1976 for the 1977 registration
4 year.

1 SEC. 12. Section three hundred twenty-six point twenty-four
2 (326.24), Code 1975, is repealed.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 174

PERSONALIZED REGISTRATION PLATES

S. F. 13

AN ACT relating to the issuance of special registration plates to owners of vehicles holding amateur radio licenses and the issuance of personalized license plates for motor vehicles.

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 four (4), Code 1975, is amended to
3 read as follows:

4 The owner of an automobile, *light delivery truck, panel delivery*
5 *truck, or pickup* who holds an amateur radio license issued by the fed-
6 eral communications commission may, upon written application to the
7 county treasurer accompanied by a fee of five dollars, order special
8 registration plates bearing the call letters authorized the radio station
9 covered by his amateur radio license. When received by the county
10 treasurer, such special registration plates shall be issued to the appli-
11 cant in exchange for the registration plates previously issued to him.
12 Not more than one set of special registration plates may be issued to
13 an applicant. Said fee shall be in addition to and not in lieu of the fee
14 for regular registration plates.

1 SEC. 2. Chapter three hundred twenty-one (321), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Individualized registration plates.**

4 1. Upon application and the payment of a fee of twenty-five dollars,
5 the director may issue to the owner of a motor vehicle, except a motor
6 truck, which is registered in this state as provided in this chapter, a set
7 of personalized registration plates marked with the initials, letters, or a
8 combination of numerals and letters requested by the owner. Upon re-
9 ceipt of the personalized registration plates, the applicant shall surren-
10 der the regular registration plates to the director. Prior to transfer of
11 title to the motor vehicle, the personalized registration plates shall be
12 returned to the director and the owner shall be entitled to regular reg-
13 istration plates without additional fee. The fee for a set of personal-
14 ized registration plates shall be in addition to the regular annual
15 registration fee provided under section three hundred twenty-one point
16 one hundred nine (321.109) of the Code.

17 2. The personalized registration plates shall be validated in the same
18 manner as regular registration plates are validated under section three
19 hundred twenty-one point thirty-four (321.34) of the Code.

20 3. The fees collected by the director under this section shall be paid
21 to the treasurer of state and credited by him as provided in section
22 three hundred twenty-one point one hundred forty-five (321.145) of the
23 Code.

Approved March 18, 1975

CHAPTER 175

REGISTRATION OF TRAILERS AND SEMITRAILERS

S. F. 44

AN ACT relating to the registration of relating to certain trailers and semitrailers which are not for hire and making the Act retroactive.

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

1 SECTION 1. Section three hundred twenty-one point one hundred
2 twenty-three (321.123), Code 1975, is amended by striking subsection
3 five (5) and inserting in lieu thereof the following:

4 5. Motor trucks or truck tractors pulling trailers or semitrailers shall
5 be registered for the combined gross weight of the motor truck or truck
6 tractor and trailer or semitrailer, except that:

7 a. Motor trucks registered for six tons or less not used for hire, pull-
8 ing trailers or semitrailers used by a person engaged in farming to
9 transport commodities produced by the owner, or to transport commod-
10 ities or livestock purchased by the owner for use in his own farming op-
11 eration or used by any person to transport horses shall not be subject to
12 registration for the gross weight of such trailer or semitrailer provided
13 the combined gross weight does not exceed twelve tons, plus the toler-
14 ance provided for in section three hundred twenty-one point four
15 hundred sixty-six (321.466) of the Code.

16 b. Motor trucks registered for six tons or less not used for hire, pull-
17 ing trailers or semitrailers used by a person in his own operations shall
18 not be subject to registration for the gross weight of such trailer or sem-
19 itrailer provided the combined gross weight does not exceed eight tons,
20 plus the tolerance provided for in section three hundred twenty-one
21 point four hundred sixty-six (321.466) of the Code.

1 SEC. 2. Any person who has paid registration fees for a motor truck
2 and trailer or semitrailer for the combined gross weight of the motor
3 truck and trailer or semitrailer for the calendar year 1975 in an amount
4 in excess of the registration fees computed on a motor truck and trailer
5 or semitrailer pursuant to section one (1) of this Act may file an appli-
6 cation for refund of the full amount of the excess fee with the county
7 treasurer of the county in which the motor truck and trailer or semi-
8 trailer are registered. Claims for refund filed under the provisions of
9 this section shall be filed with the county treasurer on forms provided
10 by the department of public safety. Refunds paid under the provisions
11 of this section shall be paid from the reimbursement fund of the de-
12 partment of public safety under subsection two (2) of section three
13 hundred twenty-one point one hundred forty-five (321.145) of the
14 Code.

1 SEC. 3. The provisions of sections one (1) and two (2) of this Act
2 shall be retroactive to December 1, 1974 for registration fees collected
3 for registration plates issued for the calendar year 1975.

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 Swea
3 City Herald, a newspaper published in Swea City, Iowa, and in The
4 Forest City Summit, a newspaper published in Forest City, Iowa.

Approved June 5, 1975

I hereby certify that the foregoing Act, Senate File 44, was published in The Swea City Herald, Swea City, Iowa, June 12, 1975, and in The Forest City Summit, Forest City, Iowa, June 12, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 176
SNOW TIRES DEFINED

H. F. 50

AN ACT relating to the definition of snow tires.

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), subsection twelve (12), Code 1975, is amended to
3 read as follows:

4 12. Designating highways or portions of highways as snow routes.
5 When conditions of snow or ice exist on the traffic surface of a des-
6 ignated 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 con-
10 ditions of snow or ice on the highways, and meeting the requirements
11 standards which shall be promulgated by rule of the commissioner of
12 public safety director of transportation. The standards promulgated
13 by the director shall require that snow tires be so designed to pro-
14 vide adequate traction to maintain reasonable movement of the mo-
15 tor vehicle on highways under snow conditions.

16 Said rules shall be based on tests of tire tread designs and depth of
17 remaining tread of worn tires which will be effective in moving motor
18 vehicles through snow of up to six inches in depth. Any person charged
19 with impeding or blocking traffic for lack of snow tires, chains or non-
20 slip differential shall have said charge dismissed upon a showing to the
21 court that his motor vehicle was equipped with a nonslip differential.

Approved April 8, 1975

CHAPTER 177
FALSE ODOMETER STATEMENT

H. F. 498

AN ACT to provide that the making or delivering of a false odometer statement is an offense subject to a penalty provided by law.

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

1 SECTION 1. Section three hundred twenty-one point seventy-one
2 (321.71), Code 1975, is amended by inserting after subsection seven (7)
3 the following new subsection:

4 NEW SUBSECTION. Any person who knowingly makes or delivers a
5 false odometer statement as required by subsection seven (7) of this sec-
6 tion shall be guilty of a violation of this section.

Approved June 6, 1975

CHAPTER 178

HIGHWAY SAFETY PATROL

H. F. 106

AN ACT relating to assignment of Iowa highway safety patrol personnel by the director of transportation.

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-six (321.196), Code 1975, is amended by striking unnumbered
3 paragraph two (2).

Approved April 22, 1975

CHAPTER 179

MOTOR VEHICLE INSPECTION

H. F. 432

AN ACT relating to the requirement that motor vehicles be inspected upon transfer and providing a penalty.

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-eight (321.238), subsections twelve (12) and eighteen (18), Code
3 1975, are amended to read as follows:

4 12. Every motor vehicle subject to registration under the laws of this
5 state, except motor vehicles registered under section 321.115, when
6 first registered in this state and each time when sold at retail or other-
7 wise transferred for use within this state, or when registration is
8 changed from a registration as provided in section 321.115 to a regular
9 registration, ~~except transfers by operation of law as set out in section~~
10 ~~321.47 other than transfers to a dealer licensed under chapter three~~
11 ~~hundred twenty-two (322)~~, shall be inspected at an authorized inspec-
12 tion station, unless there is affixed to the motor vehicle a valid certifi-
13 cate of inspection which was issued for the motor vehicle not more than
14 sixty days prior to the date on which the vehicle was ~~sold transferred~~
15 and the vehicle has not been ~~sold at retail transferred~~ during the sixty-
16 day period, *provided that during a one-year period the vehicle*
17 *may be transferred between parents and their children or between*
18 *spouses without another inspection. A vehicle inspection is not re-*
19 *quired when the transfer of the vehicle or an interest in the vehicle*
20 *is between spouses or when required pursuant to a decree for disso-*
21 *lution of marriage between former spouses. However, the certificate*
22 *of inspection for a new motor vehicle which has not previously been*
23 *sold at retail and which is not sold within sixty days after the date the*
24 *inspection was performed may be revalidated by the inspection station*
25 *without another inspection provided the motor vehicle has not been*
26 *driven more than one hundred miles since the inspection was per-*
27 *formed. If the motor vehicle is subject to inspection, the authorized in-*
28 *spection station shall issue and affix a valid certificate of inspection or*
29 *certificate of rejection, as the case may be, in accordance with the re-*
30 *sults of the inspection. ~~The~~ If an inspection is required, an applicant*
31 *shall file with an application for title to the vehicle or for registration*

32 thereof under the provisions of section 321.23, subsection 2 or 3, with
 33 the county treasurer of the county of his residence, a statement on a
 34 form provided by the director, signed by an authorized inspection sta-
 35 tion certifying the date that a certificate of inspection was issued for
 36 and affixed to the vehicle. ~~The~~ *If an inspection is required the coun-*
 37 *ty treasurer shall not issue a title to the vehicle to the applicant or reg-*
 38 *ister the vehicle unless such statement is filed with the application*
 39 *showing that the inspection of the vehicle was made not more than six-*
 40 *ty days prior to the date of sale or transfer, or unless the vehicle was*
 41 *purchased out of this state by a resident of this state who resides out-*
 42 *side of this state, but desires to maintain his Iowa residency and he ex-*
 43 *ecutes a statement to that effect in form and content as prescribed by*
 44 *the director. The county treasurer shall stamp the registration card for*
 45 *such vehicle with the words "NOT INSPECTED." A vehicle so regis-*
 46 *tered shall be inspected at an authorized inspection station within fif-*
 47 *teen days after being brought into this state. The county treasurer*
 48 *shall mail the statement of inspection or statement of out-of-state resi-*
 49 *dency to the department at the time of mailing copies of the registra-*
 50 *tion receipt. The department may destroy any forms, certificates or*
 51 *statements after one year from the date they are filed unless they re-*
 52 *late to pending appeals.*

53 18. *A* *If an inspection is required by this section a person shall not*
 54 ~~sell or~~ *transfer any motor vehicle, other than transfers to a dealer li-*
 55 *censed under chapter 322, and other than transfers by operation of law*
 56 ~~as set out in section 321.47~~ *unless there is a valid official certificate of*
 57 *inspection affixed to such vehicle at the time of sale transfer. Any per-*
 58 *son violating the provisions of this section subsection shall be subject*
 59 *to a fine of one hundred dollars and shall be liable to the purchaser in*
 60 *damages for all costs involved in obtaining a valid certificate of inspec-*
 61 *tion for such vehicle.*

1 SEC. 2. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection nineteen (19), Code 1975, is amended
 3 by adding the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. As used in this section "transfer"
 5 means sale or any manner by which the title to a vehicle is conveyed
 6 from one person or corporation to another or the delivery of possession
 7 of a vehicle with the intent to transfer ownership.

Approved May 2, 1975

CHAPTER 180

SPEED LIMITS

H. F. 66

AN ACT to impose a maximum fifty-five mile per hour speed limit on the public highways of this state, subject to penalties provided by law.

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

1 SECTION 1. Section three hundred twenty-one point two hundred
 2 eighty-five (321.285), subsections five (5), seven (7), and eight (8), Code
 3 1975, are amended to read as follows:

4 5. ~~Sixty~~ *Fifty-five* miles per hour from sunset to sunrise and ~~seventy~~
5 *fifty-five* miles per hour from sunrise to sunset.

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

22 8. Notwithstanding any other speed restrictions, the speed limits for
23 all vehicular traffic, except vehicles subject to the provisions of section
24 321.286 on fully controlled-access, divided, multilaned highways ~~in-~~
25 ~~cluded in, and as a part of,~~ *including* the national system of interstate
26 highways designated by the federal ~~bureau of public roads~~ *highway*
27 *administration* and this state, 23 U.S.C. 103 (d), shall be ~~seventy-five~~
28 *fifty-five* miles per hour from sunrise to sunset and ~~sixty-five~~ *fifty-five* miles per
29 hour from sunset to sunrise, except that the speed limit for any motor
30 vehicle drawing a one wheel or two wheel trailer or a tandem wheel
31 trailer shall be ~~sixty-five~~ *fifty-five* miles per hour. However, the department or
32 the cities, with the approval of the department, may establish a lower
33 speed limit upon such highways located within the corporate limits of
34 any city used as city alternate routes, commonly referred to as
35 "~~freeways.~~" "*freeways*". For the purposes of this subsection a fully
36 controlled-access highway is a highway that gives preference to
37 through traffic by providing access connections with selected public
38 roads only and by prohibiting crossings at grade or direct private drive-
39 way connections. It is further provided that a minimum speed of forty
40 miles per hour, road conditions permitting, shall be established on the
41 highways referred to in this subsection.

1 SEC. 2. Section three hundred twenty-one point two hundred
2 eighty-six (321.286), subsection one (1), Code 1975, is amended to read
3 as follows:

4 1. ~~Sixty-five~~ *Fifty-five* miles per hour on all *fully controlled-access,*
5 *divided, multilaned highways including* interstate ~~highway systems~~
6 *highways.*

1 SEC. 3. Section three hundred twenty-one point two hundred
2 eighty-seven (321.287), Code 1975, is amended to read as follows:

3 **321.287 Bus speed limits.** No passenger-carrying motor vehicle
4 used as a common carrier, except school buses, shall be driven upon the
5 highways at a greater rate of speed than ~~sixty~~ *fifty-five* miles per hour
6 at any time. No school bus shall be operated in violation of section
7 321.377.

1 SEC. 4. Section three hundred twenty-one point three hundred
2 seventy-seven (321.377), Code 1975, is amended to read as follows:

3 **321.377 Speed of school bus.** No motor vehicle in use as a school
4 bus shall be operated at a speed in excess of ~~sixty~~ *fifty-five* miles per

5 hour on any *fully controlled-access, divided, multilaned highways,*
 6 interstate ~~highway system~~ *highways* or on any four-lane primary high-
 7 way. When not in operation on an interstate highway system or on any
 8 four-lane primary highway, the maximum speed for a school bus shall
 9 be fifty miles per hour when used for purposes of an educational trip
 10 or for transporting pupils to and from any extracurricular activity, and
 11 forty-five miles per hour at all other times. Any violation of this sec-
 12 tion, by a driver, shall be deemed sufficient cause for canceling his
 13 contract. For the purpose of this section, interstate highways means
 14 those highways included in the national system of interstate highways
 15 designated by the federal ~~bureau of public roads~~ *highway administra-*
 16 *tion* and this state.

Approved June 28, 1975

CHAPTER 181

ANIMAL-DRAWN VEHICLES

H. F. 743

AN ACT relating to the use of flashing amber lights on animal-drawn vehicles.

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

1 SECTION 1. Section three hundred twenty-one point three hundred
 2 ninety-eight (321.398), Code 1975, is amended to read as follows:
 3 **321.398 Lamps on other vehicles and equipment.** All vehicles,
 4 including animal-drawn vehicles and including those referred to in sec-
 5 tion 321.383 not hereinbefore specifically required to be equipped with
 6 lamps, shall at the times specified in section 321.384 be equipped with
 7 at least one lighted lamp or lantern exhibiting a white light visible
 8 from a distance of five hundred feet to the front of such vehicle and,
 9 *except for animal-drawn vehicles*, with a lamp or lantern exhibiting a
 10 red light visible from a distance of five hundred feet to the rear. *Ani-*
 11 *mal-drawn vehicles shall be equipped with a flashing amber light*
 12 *visible from a distance of five hundred feet to the rear of the vehicle*
 13 *during the times specified in section three hundred twenty-one*
 14 *point three hundred eighty-four (321.384) of the Code.*

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 182

EQUIPMENT ON ROAD MACHINERY

S. F. 70

AN ACT relating to road machinery.

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

1 SECTION 1. Sections three hundred twenty-one point three hundred
2 ninety-nine (321.399), three hundred twenty-one point four hundred
3 (321.400), and three hundred twenty-one point four hundred one
4 (321.401), Code 1975, are repealed.

1 SEC. 2. Section three hundred twenty-one point three hundred
2 eighty-three (321.383), subsection one (1), Code 1975, is amended to
3 read as follows:

4 1. The provisions of this chapter with respect to equipment on vehi-
5 cles shall not apply to implements of husbandry, *road machinery*,
6 bulk spreaders and other fertilizer and chemical equipment defined as
7 special mobile equipment, ~~road machinery~~, road rollers, or farm trac-
8 tors except as herein made applicable.

Approved March 7, 1975

CHAPTER 183

MOTORCYCLE RIDERS EQUIPMENT

H. F. 421

AN ACT relating to equipment of motorcycles and motorcycle riders subject to a penalty provided by law.

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

1 SECTION 1. Chapter three hundred twenty-one (321), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. **Equipment of motorcycle riders.**

4 1. A person shall not operate or ride a motorcycle upon the high-
5 ways of this state unless:

6 a. The person is properly wearing protective headgear which com-
7 plies with standards established by the director; and

8 b. The person is properly wearing an eye-protective device of a type
9 approved by the director except when the motorcycle is equipped with
10 a windscreen.

11 This subsection shall not apply to persons riding within an enclosed
12 cab or to persons riding in a parade authorized by a political subdivi-
13 sion of the state in which the parade is held when operated in a man-
14 ner to insure safety to riders and other participants in the parade.

15 2. The director shall approve protective headgear and eye-protective
16 devices required by this section and issue regulations establishing
17 standards and specifications for the approval of protective headgear
18 and eye-protective devices. The director shall publish lists of all protec-
19 tive headgear and eye-protective devices which have been approved.

1 SEC. 2. Section three hundred twenty-one point four hundred twenty-four (321.424), Code 1975, is amended by adding the following new
2 unnumbered paragraph at the end of that section:

3 NEW UNNUMBERED PARAGRAPH. No person shall possess for the purpose of sale, offer for sale, or sell protective headgear, or an eye-protective device, for use by a person occupying a motorcycle, unless that
4 equipment is of a type listed as approved by the director, and unless
5 that equipment bears the trademark or name under which it was approved by the director so as to be immediately legible to a person examining that equipment.
6
7
8
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10

1 SEC. 3. NEW SECTION. **Violation not negligence.** A violation of
2 section one (1) of this Act shall not constitute a defense of fault,
3 whether alleged as negligence per se, negligence, contributory negligence, or alleged in any other manner, and evidence of the acts or
4 omissions constituting a violation of section one (1) of this Act shall
5 not be admissible on behalf of any person against whom a claim for
6 damages for personal injuries is made.
7

1 SEC. 4. This Act shall take effect on September 1, 1975. However,
2 the director may adopt rules pursuant to section (1) of this Act after
3 July 1, 1975, and those rules shall take effect on September 1, 1975.

Approved June 16, 1975

CHAPTER 184

NONRESIDENTS DRIVING PRIVILEGE

H. F. 146

AN ACT relating to provisions for suspension of the license and registration or nonresident's operating privilege.

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

1 SECTION 1. Section three hundred twenty-one A point six (321A.6),
2 subsection four (4), Code 1975, is amended by striking paragraph (b)
3 and inserting in lieu thereof the following:

4 b. Twelve months after such security was required, provided the department has not been notified that an action upon such an agreement
5 has been instituted in a court in this state within one year after such
6 security was required.
7

1 SEC. 2. Section three hundred twenty-one A point seven (321A.7),
2 Code 1975, is amended by striking subsection two (2) and inserting in
3 lieu thereof the following:

4 2. Twelve months after such accident, provided the department has
5 not been notified by any party to the action or an attorney for any
6 party that an action for damages arising out of such accident has been
7 instituted within one year from the date of the accident; or

1 SEC. 3. Section three hundred twenty-one A point seven (321A.7),
2 subsection three (3) is amended to read as follows:

3 3. Evidence satisfactory to the director has been filed with him of a
4 release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agree-
5

6 ment, in accordance with subsection 4 of section 321A.6; provided,
 7 however, in the event there shall be any default in the payment of any
 8 installment under any confession of judgment, then, upon notice of
 9 such default, the director shall forthwith suspend the license and regis-
 10 tration or nonresident's operating privilege of such person defaulting
 11 which shall not be restored unless and until the entire amount provid-
 12 ed for in said confession of judgment has been paid; and provided,
 13 further, that in the event there shall be any default in the payment of
 14 any installment under any duly acknowledged written agreement,
 15 then, upon notice of such default, the director shall forthwith suspend
 16 the license and registration or nonresident's operating privilege of such
 17 person defaulting which shall not be restored unless and until (a) such
 18 person deposits and thereafter maintains security as required under sec-
 19 tion 321A.5 in such amount as the director may then determine, or (b)
 20 ~~one year shall have elapsed following the date when such security was~~
 21 ~~required and during such period no action upon such agreement has~~
 22 ~~been instituted in a court in this state twelve months after such secu-~~
 23 ~~rity was required, provided the department has not been notified by~~
 24 ~~any party to the action or an attorney for any party that an action~~
 25 ~~upon such an agreement has been instituted in a court in this state~~
 26 ~~within one year after such security was required.~~

Approved April 22, 1975

CHAPTER 185

MOBILE HOMES MOVEMENT

H. F. 479

AN ACT relating to the movement of mobile homes and factory-built structures of excessive size subject to penalties provided by law.

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

1 SECTION 1. Section three hundred twenty-one E point three
 2 (321E.3), Code 1975, is amended by adding the following new unnum-
 3 bered paragraph:

4 NEW UNNUMBERED PARAGRAPH. Notwithstanding the provisions of
 5 this section, the maximum trip distances for the movement of mobile
 6 homes and factory-built structures with widths including appurtenances
 7 exceeding twelve feet five inches may be waived under section three (3)
 8 of this Act by the department and local authorities.

1 SEC. 2. Section three hundred twenty-one E point nine (321E.9),
 2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Vehicles with indivisible loads having an overall width not to ex-
 4 ceed twelve feet, five inches or mobile homes including appurtenances
 5 not to exceed twelve feet, five inches and an overall length not to ex-
 6 ceed ~~eighty~~ *eighty-five* feet, zero inches may be moved for unlimited
 7 distances. No mobile home may be moved under the provisions of this
 8 subsection if the actual mobile home unit exceeds ~~sixty-eight~~ *sixty-sev-*
 9 *en* feet *six inches* in length *excluding hitch or any overhang*. No unit
 10 moved under the provisions of this subsection shall exceed the height
 11 as prescribed in section 321.456 and the total gross weight as prescribed
 12 in section 321.463.

1 SEC. 3. Chapter three hundred twenty-one E (321E), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. The department and local authorities may, upon ap-
4 plication and with good cause shown, issue single trip permits for the
5 movement of mobile homes or factory-built structures of widths includ-
6 ing appurtenances exceeding twelve feet five inches subject to the fol-
7 lowing conditions:

8 1. Single trip permits issued under the provisions of this section shall
9 be limited to mobile homes and factory-built structures of widths in-
10 cluding appurtenances exceeding twelve feet five inches but not ex-
11 ceeding fourteen feet five inches, where the mobile home or factory-
12 built structure does not exceed sixty-seven feet six inches in length ex-
13 cluding the hitch or any overhang, and where the overall length of the
14 mobile home or the factory-built structure and the power unit does not
15 exceed eighty-five feet.

16 2. Single trip permits shall be issued only when the movement can
17 be safely accomplished without causing unnecessary traffic congestion.

18 3. Single trip permits issued under the provisions of this section shall
19 specify the route over which the mobile home or factory-built structure
20 shall be moved, and wherever possible, the department and local au-
21 thorities shall specify highways having a roadway at least twenty-four
22 feet in width.

23 4. Single trip permits may be issued by the department or local au-
24 thorities contingent upon favorable road and weather conditions.

25 5. A single trip permit shall be issued only when a mobile home or
26 factory-built structure is moved from a point of origin in this state or
27 to a point of destination in this state designated by a resident of this
28 state who has purchased the mobile home or factory-built structure for
29 use as his residence or when a mobile home or factory-built structure is
30 being moved for a resident of this state. For the purposes of this sec-
31 tion, "resident" includes a mobile home dealer licensed under the pro-
32 visions of chapter three hundred twenty-two (322) of the Code, mobile
33 home manufacturers licensed in this state, and manufacturers of facto-
34 ry-built structures in this state.

35 6. A single trip permit may be issued to allow the movement of a
36 mobile home or factory-built structure on a fully controlled-access, di-
37 vided, multi-laned highway at a speed exceeding forty miles per hour
38 but not exceeding forty-five miles per hour.

39 For the purposes of this section, "factory-built structure" means any
40 structure which is wholly or in substantial part, made, fabricated,
41 formed or assembled in manufacturing facilities for installation or as-
42 sembly and installation, on a building site and is temporarily moved
43 on its own axles.

44 The distance limitations imposed on mobile home or factory-built
45 structures under section three hundred twenty-one E point three
46 (321E.3) of the Code shall not apply to single trip permits issued under
47 the provisions of this section, but in all other respects the provisions of
48 this chapter shall apply.

Approved June 6, 1975

CHAPTER 186

HERBICIDES AND PESTICIDES—APPLICATION BY AIRCRAFT

H. F. 105

AN ACT relating to registration and registration fees for airmen, aeronautics instructors, and aircraft used for the application of herbicides and pesticides.

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

1 SECTION 1. Section three hundred twenty-eight point nineteen
2 (328.19), subsection one (1), Code 1975, is amended to read as follows:
3 1. Airmen and aeronautics instructors, ~~one dollar~~ *two dollars*.

1 SEC. 2. Section three hundred twenty-eight point twenty-three
2 (328.23), Code 1975, is amended to read as follows:
3 **328.23 Credit on registration fees.** There shall be credited upon
4 the registration fee due for the registration of any aircraft pursuant to
5 the provisions of this chapter, *except aircraft used for the application*
6 *of herbicides and pesticides*, any tax, registration fee, or license fee
7 levied upon or charged for said aircraft and paid to any other state,
8 and the registration fee due and to be collected pursuant to the provi-
9 sions of this chapter, shall be reduced by the amount of said tax, regis-
10 tration fee or license fee, upon the presentation of the official receipt
11 therefor with the application for registration.

1 SEC. 3. Section three hundred twenty-eight point twenty-four
2 (328.24), Code 1975, is amended to read as follows:
3 **328.24 Refunds of fees.** If, during the year for which an aircraft,
4 *except nonresident aircraft used for the application of herbicides*
5 *and pesticides*, was registered and the required fee paid therefor, such
6 aircraft is destroyed by fire or accident or junked, and its identity as
7 an aircraft entirely eliminated, or it is removed and continuously used
8 beyond the boundaries of the state, then the owner in whose name it
9 was registered at the time of such destruction, dismantling, or removal
10 from the state shall return the certificate of registration to the commis-
11 sion within ten days and make affidavit of such destruction, disman-
12 tling, or removal and make claim for such refund.
13 The registration fee for the unexpired portion of the year shall there-
14 upon be refunded pro rata to the nearest full calendar month.

Approved April 8, 1975

CHAPTER 187

CEMETERY PROPERTY

S. F. 38

AN ACT relating to the maintenance and improvement of cemetery property and permitting the levy of a tax.

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 1975, is amended by adding the following new subsections:
3 NEW SUBSECTION. To provide for the maintenance and improvement
4 of cemeteries within the county.

5 NEW SUBSECTION. To levy taxes in the affected township, subject to
 6 the limitation imposed under sections three hundred fifty-nine point
 7 thirty (359.30) and three hundred fifty-nine point thirty-three (359.33)
 8 of the Code, and expend receipts from such taxes for the care and
 9 maintenance of township owned and nonowned cemeteries upon the
 10 failure of township officers to levy taxes in the township for the care
 11 and maintenance of such cemeteries as prescribed in sections three
 12 hundred fifty-nine point thirty (359.30) and three hundred fifty-nine
 13 point thirty-three (359.33) of the Code.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 188

FACILITIES FOR HANDICAPPED

H. F. 16

AN ACT authorizing counties to provide facilities and services for handicapped persons.

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

1 SECTION 1. Chapter three hundred thirty-two (332), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Facilities for the handicapped.** The county board
 4 of supervisors may provide facilities, including but not limited to
 5 buildings, and services for mentally or physically handicapped persons
 6 or both, in the form of sheltered workshops or in other forms.

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 New-
 3 ton Daily News, a newspaper published in Newton, Iowa, and in the
 4 Quad-City Times, a newspaper published in Davenport, Iowa.

Approved March 14, 1975

I hereby certify that the foregoing Act, House File 16, was published in The Newton Daily News, Newton, Iowa, March 19, 1975, and in the Quad-City Times, Davenport, Iowa, March 19, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 189

COUNTY OFFICERS INDEMNIFIED

H. F. 12

AN ACT relating to the indemnification of county officers and employees.

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

1 SECTION 1. Section three hundred thirty-two point thirty-six
 2 (332.36), Code 1975, is amended to read as follows:

3 **332.36 County indemnification fund in state treasury.** There is
 4 created in the office of the treasurer of state a fund to be known as
 5 "the county indemnification fund" to be used to indemnify and pay
 6 on behalf of any *elected* county ~~treasurer, recorder, auditor, attorney,~~
 7 ~~clerk of court, sheriff, and engineer on matters relating to road and~~
 8 ~~bridge design only, officer~~ and any deputies, assistants or employees
 9 ~~in such offices of the county,~~ all sums that such officers, deputies, as-
 10 sistants or employees are legally obligated to pay because of their ~~neg-~~
 11 ~~ligent acts,~~ errors or omissions in the performance of their official
 12 duties, except that the first five hundred dollars of each such claim
 13 shall not be paid from this fund.

1 SEC. 2. Section three hundred thirty-two point thirty-eight (332.38),
 2 Code 1975, is amended to read as follows:

3 **332.38 Tax to support fund.** If the balance in the fund on Sep-
 4 tember 30 of any year is less than ~~three six~~ hundred thousand dollars,
 5 the treasurer of state shall notify the board of supervisors of each coun-
 6 ty to again levy for that year one half cent per thousand dollars of as-
 7 sessed value to be collected with other taxes in the next year.

1 SEC. 3. Section three hundred thirty-two point forty (332.40), Code
 2 1975, is amended to read as follows:

3 **332.40 Claims paid.** Any claim for any ~~negligent act, error, or~~
 4 ~~omission of a county treasurer, recorder, auditor, attorney, clerk of~~
 5 ~~court, sheriff, engineer on matters relating to bridge or road design~~
 6 ~~only, any elected county officer~~ or any deputy, assistant or employee
 7 ~~in such offices of the county~~ relating to such matters, committed after
 8 July 1, ~~1973~~ 1975, shall be processed *in accordance with provisions of*
 9 *chapter six hundred thirteen A (613A) of the Code* and paid from
 10 such fund ~~in accordance with the provisions of chapter 25A,~~ except that
 11 any payment of a claim, except a final judgment, in excess of fifteen
 12 hundred dollars shall have the unanimous approval of all members of
 13 the state appeal board, the attorney general, and the district court of
 14 Polk county.

1 SEC. 4. Section three hundred thirty-two point forty-one (332.41),
 2 Code 1975, is amended to read as follows:

3 **332.41 Insurance deductible.** If a final judgment is obtained
 4 against the county ~~treasurer, recorder, auditor, attorney, clerk of court,~~
 5 ~~sheriff, or engineer in matters relating to bridge or road design only,~~
 6 ~~any elected county officer~~ or any deputies, assistants, or employees ~~in~~
 7 ~~such offices indemnified by such fund of the county~~ for an act commit-
 8 ted subsequent to July 1, ~~1973~~ 1975, which is payable from the county
 9 indemnification fund, the county attorney shall ascertain if any insur-
 10 ance policy exists indemnifying such persons against such judgment or
 11 any part thereof. If no insurance exists, or if the judgment exceeds the
 12 limits of such insurance the county attorney shall submit a claim to the
 13 state comptroller against the county indemnification fund on behalf of
 14 the plaintiff to the action for the amount of the judgment exceeding
 15 the amount recoverable by reason of such insurance. The state comp-
 16 troller shall promptly issue a warrant payable to the plaintiff for such
 17 amount, and the treasurer of state shall pay the warrant. Such pay-
 18 ment shall forever discharge such persons from any and all liability
 19 therefor.

1 SEC. 5. Section three hundred thirty-two point forty-two (332.42),
 2 Code 1975, is amended to read as follows:

3 **332.42 Insurance coverage on employees.** The board of super-
 4 visors may purchase insurance insuring any ~~other~~ county officers and

5 their employees in the performance of their official duties ~~not specified~~
 6 ~~in section 332.36~~, against personal liability as a result of negligent acts,
 7 ~~errors or omissions~~. The premiums for the insurance shall be paid from
 8 the general fund of the county. If the liability of any county officer or
 9 his employees in the performance of their official duties, ~~not specified~~
 10 ~~in section 332.36~~, is not fully indemnified by insurance, the board of
 11 supervisors shall pay any such loss, for which the county officer or his
 12 employees shall be found liable, from the general fund of the county.
 13 Any county board of supervisors may compromise and settle any such
 14 claim.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 190
 COUNTY RECORDER

S. F. 494

AN ACT authorizing the county recorder to combine separate index books.

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

1 SECTION 1. Chapter three hundred thirty-five (335), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Combined indexing system.** The county recorder
 4 may, in lieu of maintaining separate index books as required by law,
 5 prepare and maintain a combined index record or system which shall
 6 contain the same data and information as required to be kept in the
 7 separate index books.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 191
 COUNTY COMPENSATION BOARD

H. F. 802

AN ACT to create a county compensation board, to provide for its powers and responsibilities,
 and to provide for a cost of living adjustment for county officers.

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

1 SECTION 1. NEW SECTION. **County compensation board.** There is
 2 created in each county a county compensation board which shall be
 3 composed of five members who are residents of the county. The mem-
 4 bers of the county compensation board shall be selected as follows:

5 1. One member shall be a mayor of an incorporated city located
 6 within the county selected by a convention of the mayors of all incor-
 7 porated cities located within the county.

8 2. One member shall be a member of a board of directors of a school
9 district located within the county selected by a convention of the mem-
10 bers of the boards of directors of all school districts located within the
11 county.

12 3. One member shall be an elector of the county representing the
13 general public selected by the members of the board of supervisors.

14 4. One member shall be a person representing the general public se-
15 lected by a convention of the members of the boards of directors of all
16 school districts located within the county.

17 5. One member shall be a person representing the general public se-
18 lected by a convention of the mayors of all incorporated cities located
19 within the county.

20 A member of the county compensation board selected to represent
21 the general public pursuant to subsections three (3), four (4) and five
22 (5) of this section shall not be an employee or officer of a state govern-
23 ment, or a political subdivision of a state, or related within the third
24 degree of consanguinity to any such governmental employee or officer.

1 SEC. 2. NEW SECTION. **Conventions called.** The county auditor
2 shall convene the conventions of the mayors and the boards of direc-
3 tors of the school districts during the month of August, 1975, and each
4 four years thereafter during the month of June, by written notice stat-
5 ing the date, time and location of each convention meeting to each
6 person eligible to attend the convention. When a vacancy exists which
7 must be filled by a convention, the county auditor shall convene a spe-
8 cial meeting of such convention within thirty days after the county au-
9 ditor becomes aware of the vacancy.

10 If the boundaries of a school district or a city extend into more than
11 one county, a member of the board of directors of such school district
12 or the mayor of such city shall be a member of the convention of the
13 boards of directors or the mayors in the county of the director's or
14 mayor's residence only.

1 SEC. 3. NEW SECTION. **Convention organized—expenses.** Each
2 convention of the boards of directors or mayors shall organize by elect-
3 ing a chairman and such other officers as deemed necessary from
4 among its membership. Each member of the county compensation
5 board to be selected by the convention shall be elected by a majority
6 vote of the members of such convention.

7 The members of the convention shall receive compensation and reim-
8 bursement for expenses incurred in the performance of their duties by
9 the school district or the city which such member represents if such
10 compensation or reimbursement is authorized by law.

1 SEC. 4. NEW SECTION. **Board tenure—vacancy.** The members of
2 the county compensation board shall be appointed to four-year terms,
3 except the terms of the members of the initial board shall expire on
4 June 30, 1979. Each term shall be effective on the first of July of the
5 year of appointment and each vacancy shall be filled for the unexpired
6 term in the same manner as the original appointment.

7 In addition to any circumstance which constitutes a vacancy under
8 section sixty-nine point two (69.2) of the Code, a vacancy shall exist on
9 the county compensation board if any member of such board who is al-
10 so an elective public officer ceases to hold the elective office under
11 which such officer originally qualified for membership or if any mem-
12 ber of such board who is selected under subsections three (3), four (4)
13 and five (5) of section one (1) of this Act becomes an employee or offi-
14 cer of a state government or a political subdivision of a state or is re-

15 lated within the third degree of consanguinity to any such govern-
16 mental employee or officer.

17 The members of the county compensation board shall receive no
18 compensation, but they shall be reimbursed for their actual and neces-
19 sary expenses incurred in the performance of their official duties.

1 SEC. 5. NEW SECTION. **Board organization.** The county compen-
2 sation board shall elect a chairman and vice chairman annually from
3 among its membership. The board shall meet at the call of the chair-
4 man or upon written request of a majority of its membership. The con-
5 currence of a majority of the members of the board shall determine
6 any matter relating to its duties.

7 The board of supervisors shall provide the necessary office facilities
8 and the technical and clerical assistance requested by the county com-
9 pensation board to accomplish the purposes of this Act.

1 SEC. 6. NEW SECTION. **Compensation schedule.** The county
2 compensation board annually shall review the compensation paid for
3 comparable offices in other counties of this state, other states, private
4 enterprise, and the federal government. The board shall prepare a rec-
5 ommended compensation schedule for the elective county officers. Fol-
6 lowing completion of the compensation schedule, the board shall
7 publish the compensation schedule in a newspaper having general cir-
8 culation throughout the county. If a county officer compensation
9 study has been received from the general assembly within the preced-
10 ing five years, a comparison of the compensation recommendations of
11 such study and the compensation schedule prepared by the board shall
12 be included in the publication. The publication shall also include a
13 public notice of the date and location of a hearing to be held by the
14 board not less than one week nor more than three weeks of the date of
15 notice. Upon completion of the public hearing, the county compensa-
16 tion board shall prepare a final compensation schedule recommenda-
17 tion.

18 During the month of December, 1975 and each year thereafter, the
19 county compensation board shall transmit its recommended compensa-
20 tion schedule to the board of supervisors. The board of supervisors
21 shall review the recommended compensation schedule and determine
22 the final compensation schedule of the elected county officers which
23 shall not exceed the recommended compensation schedule. In deter-
24 mining the final compensation schedule if the board of supervisors
25 wishes to reduce the amount of the recommended compensation sched-
26 ule, the annual salary or compensation of each elected county officer
27 shall be reduced an equal percentage. A copy of the final compensa-
28 tion schedule adopted by the board of supervisors shall be filed with
29 the county budget at the office of state comptroller. The final compen-
30 sation schedule shall become effective on the first day of July next fol-
31 lowing its adoption by the board of supervisors.

1 SEC. 7. NEW SECTION. **Expense of board.** The expenses of the
2 county compensation board members, the salaries and expenses of any
3 technical and clerical assistance, and the cost of providing any facili-
4 ties shall be paid from the general fund of the county.

1 SEC. 8. Section three hundred thirty-one point twenty-two (331.22),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **331.22 Compensation of supervisors.** The board of supervisors
5 shall receive an annual salary or per diem compensation as provided in

6 section six (6) of this Act. The annual salary or per diem shall be in
 7 full payment for all services rendered to the county except that each
 8 member of the board is entitled to reimbursement for mileage expense
 9 incurred while engaged in the performance of official duties at the
 10 same rate as provided by law for state employees. The total mileage
 11 expense for a member of the board of supervisors shall not exceed one
 12 thousand five hundred dollars per year.

1 SEC. 9. Section three hundred forty point one (340.1), Code 1975, is
 2 amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **340.1 Compensation of auditor, treasurer, recorder, and**
 5 **clerk.** The annual salary of the county auditor, county treasurer,
 6 county recorder, and clerk of the district court shall be determined as
 7 provided in section six (6) of this Act.

1 SEC. 10. Section three hundred forty point seven (340.7), Code
 2 1975, is amended by striking the section and inserting in lieu thereof
 3 the following:

4 **340.7 Compensation of sheriff.** The annual salary of the sheriff
 5 shall be determined as provided in section six (6) of this Act.

1 SEC. 11. Section three hundred forty point nine (340.9), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **340.9 Compensation of county attorney.** The annual salary of
 5 the county attorney shall be determined as provided in section six (6)
 6 of this Act. The annual salary shall be full compensation for the duties
 7 performed in the office of county attorney and all fees and commis-
 8 sions which are taxed in favor of the county attorney shall be collected
 9 and credited to the court expense fund.

10 The board of supervisors may accept private grants, state or federal
 11 funds which may be used to pay the salary of the county attorney and
 12 the salaries of the assistant county attorneys.

13 The county attorney shall also be entitled to receive any actual and
 14 necessary expenses incurred in the performance of official duties of the
 15 office of county attorney.

1 SEC. 12. Effective July 1, 1975, the annual salary or per diem com-
 2 pensation of the members of the board of supervisors, county treasurer,
 3 county auditor, county recorder, county attorney, sheriff, and clerk of
 4 the district court as such salary or per diem exists June 30, 1975 may be
 5 increased by resolution of the board of supervisors, according to the
 6 following schedule which shall remain effective until modified by the
 7 county compensation board as provided in this Act. The increase shall
 8 be consistent with the following schedule:

9 1. For each member of the board of supervisors receiving an annual
 10 salary, a sum not to exceed one thousand dollars.

11 2. For each member of the board of supervisors receiving per diem
 12 compensation the per diem may be forty-four dollars, but the total
 13 sum shall not exceed six thousand five hundred dollars for each mem-
 14 ber per year.

15 3. For the county auditor, county treasurer, county recorder, clerk of
 16 district court, sheriff, and county attorney, a sum not to exceed one
 17 thousand five hundred dollars.

1 SEC. 13. Section three hundred forty point three (340.3), Code 1975,
 2 is repealed.

1 SEC. 14. Notwithstanding the provisions of chapter five hundred
 2 eighty-five (585) of the Code, any proceeding taken by a board of su-
 3 pervisors between July 1, 1974 and June 30, 1975 under section three
 4 hundred thirty-one point twenty-two (331.22) of the Code authorizing
 5 the payment of a mileage warrant for a member of the board of super-
 6 visors which exceeded an aggregate mileage expense of one thousand
 7 dollars per year but not more than an aggregate mileage expense of
 8 one thousand five hundred dollars per year is declared to be valid.

Approved June 30, 1975

CHAPTER 192
 COUNTY ATTORNEY

H. F. 826

AN ACT relating to the employment of full-time public prosecutors in certain counties.

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

1 SECTION 1. Chapter three hundred forty-one (341), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. **Full-time county prosecutors.** In counties having
 4 a population in excess of one hundred fifty thousand, the county attor-
 5 ney may appoint, with the approval of the board of supervisors, assis-
 6 tant county attorneys to serve as full-time prosecutors who shall refrain
 7 from the private practice of law. The compensation paid to such assis-
 8 tant county attorneys shall not be subject to the provisions of section
 9 three hundred forty point ten (340.10) of the Code.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 193
 CONTRACTS EXEMPT FROM TUCK LAW

H. F. 173

AN ACT relating to contracts let by county officers.

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

1 SECTION 1. Notwithstanding the provisions of Acts of the Sixty-fifth
 2 General Assembly, 1974 Session, chapter one thousand ninety-six
 3 (1096), section four (4), the provision of the Acts of the Sixty-fourth
 4 General Assembly, 1972 Session, chapter one thousand twenty (1020),
 5 section thirty-nine (39), which is contained in section three hundred
 6 forty-three point eleven (343.11), subsection six (6), Code 1975, shall be
 7 effective upon publication.

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 Hawk

3 Eye, a newspaper published in Burlington, Iowa, and in the Guthrie
4 Center Times, a newspaper published in Guthrie Center, Iowa.

Approved February 28, 1975

I hereby certify that the foregoing Act, House File 173, was published in The Hawk Eye, Burlington, Iowa, March 10, 1975, and in the Guthrie Center Times, Guthrie Center, Iowa, March 5, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 194

STATEWIDE FIRE PROTECTION

H. F. 195

AN ACT relating to statewide fire protection.

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

1 SECTION 1. Section three hundred fifty-seven B point one (357B.1),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **357B.1 Benefited fire districts continued.** A benefited fire dis-
5 trict established under this chapter prior to July 1, 1975 shall provide
6 fire protection within its boundaries until it is dissolved as provided in
7 section five (5) of this Act. A benefited fire district shall not be estab-
8 lished nor shall the territorial boundaries of an established benefited
9 fire district be enlarged after June 30, 1975.

1 SEC. 2. Section three hundred fifty-seven B point two (357B.2),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **357B.2 Board of trustees.** A benefited fire district shall be gov-
5 erned by a board of trustees consisting of three members who shall
6 serve overlapping, three-year terms. Each trustee shall give bond in an
7 amount to be determined by the board of supervisors, the premium for
8 which shall be paid by the district of the trustee. The members of the
9 board of trustees shall be elected at an election called by the board of
10 supervisors. Notice of the election shall be given by publication in two
11 successive issues of a newspaper having general circulation within the
12 district. The notice shall contain the date, time and location of the
13 election. The final publication of the notice of election shall not be less
14 than one week before the date of election. It is not mandatory for the
15 commissioner of elections to conduct the elections held under this
16 chapter, but the elections shall be conducted in accordance with the
17 provisions of chapter forty-nine (49) of the Code when such provisions
18 are not in conflict with this chapter. The election judges shall be ap-
19 pointed by the board of supervisors from among the qualified electors
20 of the district and shall serve without pay. Any vacancy on the board
21 shall be filled by election or by appointment of the board of supervi-
22 sors for the unexpired term.

1 SEC. 3. Section three hundred fifty-seven B point three (357B.3),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **357B.3 Powers of the board of trustees.** The board of trustees
5 may purchase, own, rent, or maintain fire apparatus or equipment
6 within the state or outside the territorial jurisdiction and boundary

7 limits of this state and provide housing for such apparatus or equip-
 8 ment. The board of trustees may contract with any public or private
 9 agency under chapter twenty-eight E (28E) of the Code for the purpose
 10 of providing fire protection under this chapter. The board of trustees
 11 may levy an annual tax not exceeding forty and one-half cents per
 12 thousand dollars of assessed value for the purpose of exercising the
 13 powers granted in this section. The board of trustees may purchase ma-
 14 terial and employ persons to provide for the maintenance and opera-
 15 tion of the benefited fire district. The trustees shall be allowed
 16 reimbursement for any necessary expenses incurred in the performance
 17 of their duties, but they shall not receive any other compensation for
 18 their services.

1 SEC. 4. Section three hundred fifty-seven B point four (357B.4),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **357B.4 Anticipation of tax.** The board of trustees of a benefited
 5 fire district may anticipate the collection of taxes authorized under
 6 section three hundred fifty-seven B point three (357B.3) of the Code
 7 and, for the purpose of providing fire protection, may issue bonds pay-
 8 able in not more than ten equal installments at an interest rate not ex-
 9 ceeding seven percent per annum. The bonds shall be in such form and
 10 payable at such place as specified by resolution of the board of trust-
 11 ees. The provisions of sections twenty-three point twelve (23.12) to
 12 twenty-three point sixteen (23.16), inclusive, and chapter four hundred
 13 eight (408) of the Code, shall apply to such bonds to the extent appli-
 14 cable.

1 SEC. 5. Section three hundred fifty-seven B point five (357B.5),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **357B.5 Dissolution of district.** Upon petition of a number of
 5 registered voters residing in a district at least equal to thirty-five per-
 6 cent of the property taxpayers in such district, the board of supervisors
 7 may dissolve a benefited fire district and dispose of any remaining
 8 property, the proceeds of which shall first be applied against any out-
 9 standing obligation of the district. Any remaining balance shall be ap-
 10 plied as a tax credit for the property owners of the district. The board
 11 of supervisors shall continue to levy an annual tax after the dissolution
 12 of a district not to exceed forty and one-half cents per thousand dollars
 13 of assessed value of the taxable property of the district until all out-
 14 standing obligations of the district are paid.

1 SEC. 6. Section three hundred fifty-nine point forty-two (359.42),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **359.42 Township fire protection.** The trustees of each township
 5 in this state shall provide fire protection for the township, exclusive of
 6 any part of the township within a benefited fire district. The trustees
 7 may purchase, own, rent or maintain fire protection apparatus or
 8 equipment and provide housing for such equipment. The trustees may
 9 contract with any public or private agency under chapter twenty-eight
 10 E (28E) of the Code for the purpose of providing fire protection under
 11 this section.

1 SEC. 7. Section three hundred fifty-nine point forty-three (359.43),
 2 Code 1975, as amended by Senate File ninety (90)* as enacted by the

*Ch 196 of the Acts

3 Sixty-sixth General Assembly, 1975 Session, section one (1), is amended
4 by striking the section and inserting in lieu thereof the following:

5 **359.43 Tax levy.** The township trustees may levy an annual tax
6 not exceeding forty and one-half cents per thousand dollars of assessed
7 value of the taxable property in the township, excluding any property
8 within a benefited fire district or within the corporate limits of a city,
9 for the purpose of exercising the powers granted in section three
10 hundred fifty-nine point forty-two (359.42) of the Code. However, in
11 any township having a fire protection agreement with a special charter
12 city having a paid fire department, the township trustees may levy an
13 annual tax not exceeding fifty-four cents per thousand dollars of the
14 assessed value of the taxable property for such purpose and in any
15 township which has a common boundary with a city having a popula-
16 tion of two hundred thousand or more, the township trustees may levy
17 an annual tax not exceeding sixty-seven and one-half cents per thou-
18 sand dollars of assessed value of taxable property for fire protection
19 purposes.

1 SEC. 8. Section three hundred fifty-nine point forty-five (359.45),
2 Code 1975, is amended to read as follows:

3 **359.45 Anticipatory bonds.** Townships may anticipate the col-
4 lection of taxes authorized by ~~sections section 359.43 and 359.44~~, and
5 for such purposes may issue bonds payable in not more than ten equal
6 annual installments and at a rate of interest not exceeding seven per-
7 cent per annum and payable at such place and be in such form as the
8 board of trustees shall designate by resolution. Sections 23.12 to 23.16,
9 inclusive, and provisions of law relating to essential corporate purpose
10 bonds of a city, so far as applicable, shall apply to such bonds.

1 SEC. 9. Chapter three hundred sixty-four (364), Code 1975, is
2 amended by adding the following new section:

3 **NEW SECTION. Municipal fire protection.** Each city shall provide
4 for the protection of life and property against fire and may establish,
5 house, equip, staff, uniform and maintain a fire department. A city
6 may establish fire limits and may, consistent with code standards pro-
7 mulgated by nationally recognized fire prevention agencies regulate
8 the storage, handling, use, and transportation of all inflammables,
9 combustibles, and explosives within the corporate limits and inspect for
10 and abate fire hazards. A city may provide conditions upon which the
11 fire department will answer calls outside the corporate limits or the ter-
12 ritorial jurisdiction and boundary limits of this state. A city shall have
13 the same governmental immunity outside its corporate limits when
14 providing fire protection as when operating within the corporate limits.
15 Firemen operating equipment on calls outside the corporate limits
16 shall be entitled to the benefits of chapter four hundred ten (410) or
17 four hundred eleven (411) of the Code when otherwise qualified.

1 SEC. 10. Section eighty-five point sixty-one (85.61), subsections one
2 (1) and eight (8), Code 1975, are amended to read as follows:

3 1. "Employer" includes and applies to any person, firm, association,
4 or corporation, state, county, municipal corporation, school corpora-
5 tion, area education agency, *township as an employer of volunteer*
6 *firemen only, benefited fire district* and the legal representatives of a
7 deceased employer.

8 8. The term "volunteer firemen" shall mean any active member of
9 an organized volunteer fire department in this state and any other per-
10 son performing services as a volunteer fireman for a municipality,
11 *township or benefited fire district* at the request of the chief or other

12 person in command of the fire department of such municipality, *town-*
 13 *ship or benefited fire district*, or of any other officer of such munici-
 14 pality, *township or benefited fire district* having authority to demand
 15 such service, and who is not a full-time member of a paid fire depart-
 16 ment. A person performing such services shall not be classified as a cas-
 17 ual employee.

1 SEC. 11. NEW SECTION. **Use of federal revenue sharing**
 2 **funds.** The board of supervisors may appropriate federal revenue
 3 sharing funds to aid in providing fire protection services and equip-
 4 ment jointly with any other public agency of this state to residents of
 5 such county. The board of supervisors may use federal revenue sharing
 6 funds for providing other services and equipment for use of the resi-
 7 dents of the county. The use of federal revenue sharing funds shall be
 8 consistent with federal law and rules promulgated pursuant to such
 9 law.

1 SEC. 12. Sections three hundred fifty-seven B point six (357B.6),
 2 three hundred fifty-seven B point seven (357B.7), three hundred fifty-
 3 seven B point eight (357B.8), three hundred fifty-seven B point nine
 4 (357B.9), three hundred fifty-seven B point ten (357B.10), three
 5 hundred fifty-seven B point eleven (357B.11), three hundred fifty-
 6 seven B point twelve (357B.12), three hundred fifty-seven B point
 7 thirteen (357B.13), three hundred fifty-seven B point fourteen
 8 (357B.14), three hundred fifty-seven B point fifteen (357B.15), three
 9 hundred fifty-seven B point sixteen (357B.16), three hundred fifty-
 10 seven B point seventeen (357B.17), and three hundred fifty-nine point
 11 forty-four (359.44), Code 1975, are repealed.

Approved June 3, 1975

CHAPTER 195

STREET LIGHTING

S. F. 397

AN ACT relating to benefited street lighting districts.

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

1 SECTION 1. Section three hundred fifty-seven C point one (357C.1),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 The board of supervisors of any county shall, on the petition of
 5 twenty-five percent of the resident property owners in any proposed
 6 benefited street lighting district if the assessed valuation of the proper-
 7 ty owned by the petitioners represents at least twenty-five percent of
 8 the total assessed value of the proposed district, *or the board of super-*
 9 *visors of any county with a population in excess of two hundred fif-*
 10 *ty thousand persons shall, on the petition of twenty-five percent of*
 11 *the resident property owners in any proposed benefited lighting dis-*
 12 *trict*, hold a public hearing concerning the establishment of such pro-
 13 posed street lighting district. Such a petition shall include a statement
 14 containing the following:

Approved June 5, 1975

CHAPTER 196

FIRE PROTECTION IN TOWNSHIPS

S. F. 90*

AN ACT to increase the tax levy in certain townships for fire protection.

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

1 SECTION 1. Section three hundred fifty-nine point forty-three
2 (359.43), Code 1975, is amended to read as follows:

3 **359.43 Levy.** The township trustees may levy an annual tax not
4 exceeding forty and one-half cents per thousand dollars of assessed val-
5 ue of the taxable property in the township, or portion thereof, without
6 the corporate limits of any city which may be wholly or partially with-
7 in the limits of the township, for the purpose of exercising the powers
8 granted in section 359.42, when so authorized by an affirmative vote
9 equal to at least sixty percent of the total vote cast for and against a
10 proposal therefor at an election held pursuant to section 359.44. ~~How-~~
11 ~~ever, in, except:~~

12 1. *In any township having a fire protection agreement with a special*
13 *charter city having a paid fire department, the township trustees may*
14 *levy an annual tax not exceeding fifty-four cents per thousand dollars*
15 *of assessed value of the taxable property for such purpose, when so au-*
16 *thorized by an affirmative vote equal to at least sixty percent of the*
17 *total vote cast for and against a proposal therefor at an election held*
18 *pursuant to section 359.44; provided, however, that if the levy of an*
19 *annual tax not exceeding forty and one-half cents per thousand dollars*
20 *of assessed value has been authorized in such township pursuant to this*
21 *section prior to January 1, 1959, no new or additional election shall be*
22 *required in order to authorize the township trustees of such township to*
23 *levy an annual tax not exceeding fifty-four cents per thousand dollars*
24 *of assessed value pursuant to this section.*

25 2. *In any township which has a common boundary with a city*
26 *having a population of two hundred thousand or more, the town-*
27 *ship trustees may levy an annual tax not exceeding sixty-seven and*
28 *one-half cents per thousand dollars of assessed value of taxable*
29 *property for fire protection purposes if the trustees are authorized*
30 *by an affirmative vote equal to sixty percent of the total vote cast*
31 *for and against a proposal for such levy at an election held as pro-*
32 *vided in section three hundred fifty-nine point forty-four (359.44) of*
33 *the Code; however, if the levy of an annual tax not exceeding forty*
34 *and one-half cents per thousand dollars of assessed value has been*
35 *authorized in such township prior to July 1, 1975, a new election*
36 *shall not be required to authorize the township trustees of such*
37 *township to levy after June 30, 1975 an annual tax not exceeding*
38 *sixty-seven and one-half cents per thousand dollars of assessed val-*
39 *ue.*

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 Clinton
3 Herald, a newspaper published in Clinton, Iowa, and in the State Cen-
4 ter Enterprise, a newspaper published in State Center, Iowa.

Approved March 25, 1975

I hereby certify that the foregoing Act, Senate File 90, was published in the Clinton Herald, Clinton, Iowa, March 29, 1975, and in the State Center Enterprise, State Center, Iowa, April 3, 1975.

MELVIN D. SYNHORST, *Secretary of State*

*This Act was repealed by ch 194, §7 of these Acts

CHAPTER 197

CITY CODE

H. F. 723

AN ACT correcting, amending and clarifying provisions in the city code of Iowa and increasing the allowable levy for support of a symphony orchestra.

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

1 SECTION 1. Section three hundred sixty-two point one (362.1), Code
2 1975, is amended to read as follows:

3 **362.1 Citation.** This chapter and chapters 364, 368, 372, 376, 380,
4 *three hundred eighty-four (384) of the Code*, 388 and 392 may be cit-
5 ed as the "City Code of Iowa".

1 SEC. 2. Section three hundred sixty-two point two (362.2), Code
2 1975, is amended by striking subsections two (2), fifteen (15), and six-
3 teen (16).

1 SEC. 3. Section three hundred sixty-two point two (362.2), subsec-
2 tion nineteen (19), Code 1975, is amended to read as follows:

3 19. "Amendment" means a revision or repeal of an existing ordi-
4 nance or ~~city~~ code of ordinances.

1 SEC. 4. Section three hundred sixty-two point two (362.2), Code
2 1975, is amended by adding the following new subsections:

3 NEW SUBSECTION. "City code" means the city code of Iowa.

4 NEW SUBSECTION. "Qualified elector" means the same as it is de-
5 fined in section thirty-nine point three (39.3), subsection two (2) of the
6 Code.

1 SEC. 5. Section three hundred sixty-two point nine (362.9), Code
2 1975, is amended to read as follows:

3 **362.9 Application of city code.** The provisions of this chapter
4 and chapters 364, 368, 372, 376, 380, *three hundred eighty-four (384)*
5 *of the Code*, 388 and 392 are applicable to all cities.

1 SEC. 6. Section three hundred sixty-four point two (364.2), subsec-
2 tion four (4), paragraph b, Code 1975, is amended to read as follows:

3 b. No such ordinance shall become effective unless ~~a majority of the~~
4 ~~persons voting thereon vote in favor thereof approved at an election.~~
5 The proposal may be submitted by the council on its own motion to
6 the voters at any city election. Upon receipt of a valid petition as de-
7 fined in section 362.4 requesting that a proposal be submitted to the
8 voters, the council shall submit the proposal at the next regular city
9 election or at a special election called for that purpose prior to the next
10 regular city election. If a majority of those voting approves the propos-
11 al the city may proceed as proposed.

1 SEC. 7. Section three hundred sixty-four point twelve (364.12), sub-
2 section two (2), paragraph c, Code 1975, is amended to read as follows:

3 c. The abutting property owner may be required by ordinance to
4 maintain all property outside the lot and property lines and inside the
5 curb lines upon the public streets, except that the property owner shall
6 not be required to remove diseased trees or dead wood *on the publicly-*
7 *owned* property or right-of-way.*

1 SEC. 8. Section three hundred sixty-eight point eleven (368.11), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

*According to enrolled Act

4 A petition for incorporation, discontinuance, or boundary adjust-
 5 ment may be filed with the board by a city council, a county board of
 6 supervisors, a regional planning authority, or ~~ten~~ five percent of the
 7 ~~voters qualified electors~~ of a city or territory, based upon the number
 8 ~~of persons who voted for governor at the last preceding general election~~
 9 *involved in the proposal*. Notice of the filing, including a copy of the
 10 petition, must be served upon the council of each city for which a dis-
 11 continuance or boundary adjustment is proposed, the board of supervi-
 12 sors for each county which contains a portion of a city to be
 13 discontinued or territory to be incorporated, annexed or severed, and
 14 any regional planning authority for the area involved.

1 SEC. 9. Section three hundred sixty-eight point nineteen (368.19),
 2 Code 1975, is amended to read as follows:

3 **368.19 Time limit—election.** The committee shall approve or
 4 disapprove the petition or plan as amended, within ninety days of the
 5 final hearing, and shall file its decision for record and promptly notify
 6 the parties to the proceeding of its decision. If a petition or plan is ap-
 7 proved, the board shall set a date within ninety days for a special elec-
 8 tion on the proposal and the county commissioner of elections shall
 9 conduct the election. In a case of incorporation or discontinuance,
 10 qualified ~~voters~~ *electors* of the territory or city may vote, and the pro-
 11 posal is authorized if a majority of those voting approves it. In a case
 12 of annexation or severance, qualified ~~voters~~ *electors* of the territory
 13 and of the city may vote, and the proposal is authorized if a majority
 14 of the total number of persons voting approves it. In a case of consoli-
 15 dation, qualified ~~voters~~ *electors* of each city to be consolidated may
 16 vote, and the proposal is authorized only if it receives a favorable ma-
 17 jority vote in each city. The county commissioner of elections shall
 18 publish notice of the election as provided in section 368.15, and shall
 19 conduct the election in the same manner as other special city elections.

1 SEC. 10. Section three hundred sixty-eight point twenty-one
 2 (368.21), Code 1975, is amended to read as follows:

3 **368.21 Supervision of procedures.** When an incorporation, dis-
 4 continuance, or boundary adjustment is complete, the board shall su-
 5 pervise procedures necessary to carry out the proposal. In the case of
 6 an incorporation, the county commissioner of elections shall conduct
 7 an election for mayor and council of the city, who shall serve until
 8 their successors take office following the next regular city election. In
 9 the case of a discontinuance, the board shall publish two notices as pro-
 10 vided in section 368.15 that it will receive and adjudicate claims
 11 against the discontinued city for a period of six months *from the date*
 12 *of last notice*, and shall cause necessary taxes to be levied against the
 13 property within the discontinued city to pay claims allowed. All rec-
 14 ords of a discontinued city shall be deposited with the county auditor
 15 of the county designated by the board, ~~except that court records shall~~
 16 ~~be deposited with the clerk of the district court of the county.~~ *Any re-*
 17 *maining balances shall be deposited in the general fund of the coun-*
 18 *ty where the former city was located.* In the case of boundary
 19 adjustments, the proper city officials shall carry out procedures neces-
 20 sary to implement the proposal.

1 SEC. 11. Section three hundred seventy-two point one (372.1), un-
 2 numbered paragraph three (3), Code 1975, is amended to read as fol-
 3 lows:

4 ~~Upon the effective~~ *Within thirty days of the date of the city code*
5 *that this section becomes effective*, a city shall adopt by ordinance a
6 charter embodying its existing form of government, which must be one
7 of the forms provided in this division, and shall file a copy of its chart-
8 er with the secretary of state, and maintain copies available for public
9 inspection.

1 SEC. 12. Section three hundred seventy-two point two (372.2), sub-
2 section five (5), paragraph a, Code 1975, is amended to read as follows:

3 a. The elective officers provided for in the adopted form are to be
4 elected at the next regular city election held more than sixty days after
5 the special election at which the form was adopted, and the adopted
6 form becomes effective at the beginning of the ~~calendar year which fol-~~
7 ~~lows such new term following the regular city election.~~

1 SEC. 13. Section three hundred seventy-two point four (372.4), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 ~~A~~ *However, a city governed, on the effective date of this section,*
5 *by the mayor-council form composed of a mayor and a council consist-*
6 *ing of two councilmen elected at large, and one councilman from each*
7 *of four wards, or a special charter city governed, on the effective*
8 *date of this section, by the mayor-council form composed of a may-*
9 *or and a council consisting of two councilmen elected at large and*
10 *one councilman elected from each of eight wards, may continue until*
11 *the form of government is changed as provided in section 372.2 or sec-*
12 *tion 372.9. While a city is thus operating with an even number of coun-*
13 *cilmen, the mayor may vote to break a tie vote on motions, and in a*
14 *special charter city operating with ten councilmen under this sec-*
15 *tion, the mayor may vote to break a tie vote on all measures.*

1 SEC. 14. Section three hundred seventy-two point five (372.5), un-
2 numbered paragraph three (3), Code 1975, is amended to read as fol-
3 lows:

4 ~~A~~ *However, a city governed, on the effective date of this section,*
5 *by the commission form and having a council composed of a mayor*
6 *and two councilmen elected at large may continue with a council of*
7 *three until the form of government is changed as provided in section*
8 *372.2 or section 372.9.*

1 SEC. 15. Section three hundred seventy-two point six (372.6), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 A city governed by the council-manager-at-large form has five coun-
5 cilmen elected at large for staggered four-year terms. At the first meet-
6 ing ~~after~~ *of the new term following* each city election, the council
7 shall elect one of the councilmen to serve as mayor, and one to serve
8 as mayor pro tem. The mayor is a member of the council and may
9 vote on all matters before the council. As soon as possible after *the*
10 *beginning of the new term following* each city election, the council
11 shall appoint a manager.

1 SEC. 16. Section three hundred seventy-two point seven (372.7), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 As soon as possible after *the beginning of the new term following*
5 each city election, the council shall appoint a city manager, and a
6 councilman to serve as mayor pro tem.

1 SEC. 17. Section three hundred seventy-two point nine (372.9), sub-
2 section eight (8), paragraph a, Code 1975, is amended to read as fol-
3 lows:

4 a. The elective officers provided for in the charter are to be elected
5 at the next regular city election held more than sixty days after the
6 special election at which the charter was adopted, and the adopted
7 charter becomes effective at the beginning of the ~~fiscal year which fol-~~
8 ~~lows such new term following the~~ regular city election.

1 SEC. 18. Section three hundred seventy-six point two (376.2), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 Except as otherwise provided by state law or the city charter, terms
5 for elective offices are two years. However, the term of an elective of-
6 fice may be changed to two or four years by petition and election.
7 Upon receipt of a valid petition as defined in section 362.4, requesting
8 that the term of an elective office be changed, the council shall submit
9 the question at a special city election to be held within thirty days. If
10 a majority of the persons voting at the special election approves the
11 changed term, it becomes effective at the beginning of the term follow-
12 ing the next regular city election. If a majority does not approve the
13 changed term, the ~~mayor~~ council shall not submit the same proposal
14 to the voters within the next four years.

1 SEC. 19. Section three hundred seventy-six point three (376.3),
2 Code 1975, is amended to read as follows:

3 **376.3 Nominations.** Candidates for elective city offices must be
4 nominated as provided in sections 376.4 to 376.9 unless by ordinance a
5 city chooses the provisions of chapters 44 or 45. However, a special
6 charter city may continue to hold partisan elections as provided in sec-
7 tions 43.112 to 43.118 and 420.126 to ~~420.138~~ *four hundred twenty*
8 *point one hundred thirty-seven (420.137) of the Code.*

1 SEC. 20. Section three hundred seventy-six point nine (376.9), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 Runoff elections must be held two weeks after the date of the regular
5 city election and must be conducted in the same manner as regular city
6 elections except that only ~~voters~~ *persons who were qualified to vote*
7 *electors* in the last preceding regular city election are qualified to vote
8 in the runoff.

1 SEC. 21. Section three hundred eighty point two (380.2), Code 1975,
2 is amended to read as follows:

3 **380.2 Amendment.** An amendment to an ordinance or to a *city*
4 *code of ordinances* must specifically repeal the ordinance or code, or
5 the section or subsection to be amended, and must set forth in full the
6 ordinance, code, section or subsection as amended.

1 SEC. 22. Section three hundred eighty point four (380.4), Code
2 1975, is amended to read as follows:

3 **380.4 Majority requirement.** Passage of an ordinance, amend-
4 ment, or resolution requires an affirmative vote of not less than a ma-
5 jority of the council members *except when the mayor may vote to*
6 *break a tie vote in a city with an even number of councilmen, as*
7 *provided in section three hundred seventy-two point four (372.4) of*
8 *the Code.* A motion to spend public funds in excess of ten thousand
9 dollars on any one project, or a motion to accept public improvements
10 and facilities upon their completion, also requires an affirmative vote

11 of not less than a majority of the council members. Each councilman's
12 vote on an ordinance, amendment, or resolution must be recorded.

1 SEC. 23. Section three hundred eighty point eight (380.8), Code
2 1975, is amended to read as follows:

3 **380.8 ~~City Code of ordinances published.~~** At least once every
4 five years, a city shall compile a ~~city~~ *code of ordinances* containing all
5 of the city ordinances in effect, except grade ordinances, bond ordi-
6 nances, zoning ordinances, and ordinances vacating streets and alleys.

7 If a proposed ~~city~~ *code of ordinances* contains only existing ordi-
8 nances edited and compiled without change in substance, the council
9 may adopt the code by ordinance.

10 If a proposed ~~city~~ *code of ordinances* contains a proposed new ordi-
11 nance or amendment, the council shall hold a public hearing on the
12 proposed code before adoption. The clerk shall publish notice of the
13 hearing as provided in section 362.3. Copies of the proposed ~~city~~ *code*
14 *of ordinances* must be available at the city clerk's office and the notice
15 must so state. Within thirty days after the hearing, the council may
16 adopt the proposed ~~city~~ *code of ordinances*, which becomes law upon
17 publication of the ordinance adopting it. If the council substantially
18 amends the proposed ~~city~~ *code of ordinances* after a hearing, notice
19 and hearing must be repeated.

20 Ordinances and amendments which become effective after adoption
21 of a ~~city~~ *code of ordinances* may be compiled as supplements to the
22 code, and upon adoption of the supplement by ordinance, become part
23 of the ~~city~~ *code of ordinances*.

24 An adopted ~~city~~ *code of ordinances* is presumptive evidence of the
25 passage, publication, and content of the ordinances therein as of the
26 date of the clerk's certification of the ordinance adopting the code or
27 supplement.

1 SEC. 24. Section three hundred eighty-four point seven (384.7), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 The question of the establishment of a capital improvements reserve
5 fund, the time period during which a levy will be made for the fund,
6 and the ~~millage~~ *amount* to be levied therefor is subject to approval by
7 the voters, and may be submitted at any city election upon the council's
8 motion, or shall be submitted at the next regular city election
9 upon receipt of a valid petition as provided in section 362.4.

1 SEC. 25. Section three hundred eighty-four point twelve (384.12),
2 subsections two (2) and three (3), Code 1975, are amended to read as
3 follows:

4 2. A tax not to exceed ~~one dollar and thirty-five~~ *eighty-one* cents
5 per thousand dollars of assessed value for development, operation, and
6 maintenance of a memorial building or monument, subject to the ~~pro-~~
7 ~~cedure provided in provisions of~~ subsection 1.

8 3. A tax not to exceed ~~three and three-eighths~~ *thirteen and one-half*
9 cents per thousand dollars of assessed value for support of a symphony
10 orchestra, subject to the provisions of subsection 1.

1 SEC. 26. Section three hundred eighty-four point fifteen (384.15),
2 subsection three (3), Code 1975, is amended to read as follows:

3 3. Establish guidelines for program-performance budgeting and ac-
4 counting and the preparation of capital improvement plans by cities.
5 The guidelines should provide that budgets, accounts, and financial re-
6 ports of cities account for all city receipts and expenditures in terms of

7 city government programs and anticipated or actual performance levels
 8 within each program wherever practicable. The guidelines and the
 9 deadlines for initiation of program-performance budgeting and ac-
 10 counting and for preparation of capital improvement plans may be
 11 modified for different cities. However, as soon as practicable, the com-
 12 mittee may require all cities of over two thousand population to pre-
 13 pare and adopt a tentative budget for a ~~two-year~~ *one-year* or a ~~three-~~
 14 ~~year~~ *two-year* period *following the budget to be adopted for the next*
 15 *fiscal year* and a capital improvement plan for a five-year period. The
 16 budget for the second and third following years may be less detailed
 17 than that for the next ~~following~~ *fiscal year*. A city shall hold a public
 18 hearing on its capital improvement plan before adoption of the plan.
 19 The committee shall, where practicable, utilize recommendations from
 20 the national committee on governmental accounting.

1 SEC. 27. Section three hundred eighty-four point sixteen (384.16),
 2 subsection five (5), Code 1975, is amended to read as follows:

3 5. After the hearing, the council shall adopt *by resolution* a budget
 4 for at least the ~~following~~ *next* fiscal year, and the clerk shall certify
 5 the necessary tax levy for the ~~following~~ *next* fiscal year to the county
 6 auditor and the county board of supervisors. The tax levy certified
 7 may be less than but not more than the amount estimated in the pro-
 8 posed budget *submitted at the final hearing*, unless an additional tax
 9 levy is approved at a city election. ~~A copy~~ *Two copies each* of the
 10 ~~complete~~ *detailed* budget as adopted *and of the tax certificate* must
 11 be transmitted to the county auditor ~~and, who shall complete the cer-~~
 12 ~~tificates and transmit a copy of each~~ *to the state comptroller*.

1 SEC. 28. Section three hundred eighty-four point nineteen (384.19),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 Within a period of ten days after the final date that a budget or
 5 amended budget may be certified to the county auditor, persons affect-
 6 ed by the budget may file a written protest with the county auditor,
 7 specifying their objections to the budget or any part of it. A protest
 8 must be signed by qualified ~~voters~~ *electors* equal in number to one-
 9 fourth of one percent of the votes cast for governor in the last preced-
 10 ing general election in the city, but not less than ten persons, and at
 11 least three of the signers must have filed a written objection or ap-
 12 peared and objected to the budget at the budget hearing held by the
 13 council.

1 SEC. 29. Section three hundred eighty-four point thirty-four
 2 (384.34), Code 1975, is amended to read as follows:

3 **384.34 Local budget law.** The provisions of ~~chapter 24~~ *division*
 4 *two (II) of this chapter* do not apply to any bonds issued pursuant to
 5 this division.

1 SEC. 30. Section three hundred eighty-four point forty-two (384.42),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 To construct or repair a public improvement *to be paid for in whole*
 5 *or in part by special assessments*, the council shall proceed as fol-
 6 lows:

1 SEC. 31. Section three hundred eighty-four point fifty-six (384.56),
 2 subsections one (1) and five (5), Code 1975, are amended to read as fol-
 3 lows:

4 1. Cities may assess the cost of a public improvement which extends
5 through, abuts upon, or is adjacent to lands owned by the state, and
6 the executive council shall pay the assessable portion of the cost of the
7 improvement through or along the lands as provided. The executive
8 council shall pay assessments as provided in section ~~307.10~~ *three*
9 *hundred seven A point five (307A.5) of the Code.*

10 5. Subsections 1 and 3 of this section do not apply to lands under
11 the jurisdiction and control of the ~~state highway commission~~ *depart-*
12 *ment of transportation.*

1 SEC. 32. Section three hundred eighty-four point seventy-one
2 (384.71), Code 1975, is amended to read as follows:

3 **384.71 Costs paid from applicable funds.** The whole or any
4 part of the cost of construction or repair of a public improvement may
5 be paid from the proceeds of the issuance of general obligation bonds
6 under the provisions of section 384.25 or *three hundred eighty-four*
7 *point twenty-six (384.26) of the Code, as applicable,* or from the fund
8 or funds of the city authorized to be used for the particular type of im-
9 provement, and the council shall provide that the tax authorized for
10 purposes of the fund or funds must be annually levied to the full ex-
11 tent necessary to reimburse the fund or funds for the amount paid for
12 the construction or repair of the improvement.

1 SEC. 33. Section three hundred ninety-two point one (392.1), Code
2 1975, is amended to read as follows:

3 **392.1 Establishment by ordinance.** If the council wishes to es-
4 tablish an administrative agency, it shall do so by an ordinance which
5 indicates the title, powers, and duties of the agency, the method of ap-
6 pointment, qualifications, compensation, and term of members, and
7 other appropriate matters relating to the agency. The title of an ad-
8 ministrative agency must be appropriate to its function. The council
9 may not delegate to an administrative agency any of the powers, au-
10 thorities, and duties prescribed in division V of chapter 384 or in chap-
11 ter 388, except that the council may delegate to an administrative
12 agency power to establish and collect charges, and ~~disburse~~ *disburse*
13 the moneys received for the use of a city facility, including a city en-
14 terprise, as defined in section 384.24, so long as there are no revenue
15 bonds or pledge orders outstanding which are payable from the reve-
16 nues of the city enterprise. Except as otherwise provided in this chap-
17 ter, the council may delegate rule-making authority to the agency for
18 matters within the scope of the agency's powers and duties, and may
19 prescribe penalties for violation of agency rules which have been
20 adopted by ordinance. Rules governing the use by the public of any
21 city facility must be made readily available to the public.

1 SEC. 34. Section three hundred sixty-eight point six (368.6), Code
2 1975, is repealed.

1 SEC. 35. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in The Mount
3 Vernon Hawkeye and The Lisbon Herald, a newspaper published in
4 Mount Vernon, Iowa, and in The Fairfield Daily Ledger, a newspaper
5 published in Fairfield, Iowa.

Approved June 30, 1975

I hereby certify that the foregoing Act, House File 723, was published in The Mount Vernon
Hawkeye and The Lisbon Herald, Mount Vernon, Iowa, July 10, 1975, and in The Fairfield
Daily Ledger, Fairfield, Iowa, July 5, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 198

ANNEXATION—NOTICE BY CITIES

H. F. 74

AN ACT to require cities to give notice of annexation to the state department of transportation.

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

1 SECTION 1. Section three hundred sixty-eight point twenty (368.20),
 2 subsection two (2), Code 1975, is amended to read as follows:
 3 2. File with the secretary of state, the clerk of each city incorporated
 4 or involved in a boundary adjustment, and with the recorder of each
 5 county which contains a portion of any city or territory involved, cop-
 6 ies of the proceedings including the original petition or plan and any
 7 amendments, the order of the board approving the petition or plan,
 8 proofs of service and publication of required notices, certification of
 9 the election result, and any other material deemed by the board to be
 10 of primary importance to the proceedings. Upon proper filing and ex-
 11 piration of time for appeal, or upon a subsequent date as provided in
 12 the proposal, the incorporation, discontinuance, or boundary adjust-
 13 ment is complete, except that if an appeal to any of the proceedings is
 14 pending, completion does not occur until the appeal is decided. *The*
 15 *clerk of each city incorporated or involved in a boundary adjust-*
 16 *ment shall also file with the state department of transportation and*
 17 *with the city development board a copy of the plat and legal land*
 18 *description of each completed annexation.*

Approved April 28, 1975

CHAPTER 199

MUNICIPAL ELECTRICAL FACILITIES

H. F. 908

AN ACT to amend chapter three hundred ninety (390) of the Code relating to the authority of cities to participate in and finance jointly-owned facilities for the generation, acquisition, or transmission of electric energy, making its provisions retroactive and providing for the validity of contracts executed under said chapter.

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

1 SECTION 1. Section three hundred ninety point one (390.1), subsec-
 2 tions six (6) and seven (7), Code 1975, are amended to read as follows:
 3 6. "Participant" means a city ~~utility~~, electric cooperative or private-
 4 ly owned utility company which is a party to a joint agreement.
 5 7. "Governing body" means the public body which by law is charged
 6 with the management and control of a city utility *as defined in sec-*
 7 *tion three hundred eighty-four point eighty (384.80), subsection four*
 8 *(4), of the Code.*

1 SEC. 2. Section three hundred ninety point two (390.2), Code 1975,
 2 is amended to read as follows:
 3 **390.2 Additional power.** In addition to other powers conferred
 4 by the Constitution and laws of this state, any city *having established*
 5 *a utility which operates an existing electric generating facility or dis-*

6 tribution system may enter into and carry out joint agreements with
7 other participants for the acquisition of ownership of an undivided in-
8 terest in a joint facility and for the planning, financing, operation and
9 maintenance of the joint facility.

1 SEC. 3. Section three hundred ninety point three (390.3), Code
2 1975, is amended to read as follows:

3 **390.3 Hearing—exception to general statutes.** Before a city
4 utility may enter into or amend a joint agreement, ~~its~~ *the* governing
5 body shall adopt a proposed form of agreement and give notice and
6 conduct a public hearing on the agreement in the manner provided by
7 sections 23.1 to 23.11, which action shall be subject to appeal as provid-
8 ed in chapter 23.

9 However, in the performance of a joint agreement, the governing
10 body shall not be subject to statutes generally applicable to public con-
11 tracts, including hearings on plans, specifications, form of contracts,
12 costs, notice and competitive bidding required under chapter 23 or
13 chapter 397 of the 1973 Code or sections 384.95 to 384.103, unless all
14 parties to the joint agreement are ~~city utilities~~ *cities* located within the
15 state of Iowa.

1 SEC. 4. Section three hundred ninety point four (390.4), unnum-
2 bered paragraph one (1), and subsections six (6), eight (8), and nine
3 (9), Code 1975, are amended to read as follows:

4 *A In substance, a joint agreement shall:*

5 6. Provide that a participant ~~shall~~ *may* be liable only for its own
6 acts with regard to the joint facility, *or as principal for the acts of the*
7 *manager in proportion to its percentage of ownership*, and shall not
8 be jointly or severally liable for the acts, omissions or obligations of
9 other participants.

10 8. Provide for the management and operation of the affairs of the
11 joint facility, *and the indemnification of the manager*, which may
12 include a provision that the joint facility shall be managed and operat-
13 ed by one or more of the participants.

14 9. Provide that no participant may withdraw from the joint agree-
15 ment *during its duration* so long as obligations payable in whole or in
16 part from revenues derived from the operation of the joint facility, and
17 issued by a city ~~utility~~, are outstanding, unless prior consent is first
18 granted by each of the other participants *either in the joint agree-*
19 *ment or otherwise.*

1 SEC. 5. Section three hundred ninety point five (390.5), Code 1975,
2 is amended to read as follows:

3 **390.5 Financing.** A city ~~utility~~ may finance its share of the cost
4 of a joint facility by the use of any method of financing available ~~to~~
5 *for* city utilities under the statutes of this state, for the financing of
6 electric generation or transmission facilities to be owned by a city ~~utili-~~
7 ~~ty~~ in their entirety, including but not limited to the provisions of
8 chapters 397 and 407, Code 1973, and sections 384.23 to 384.36 and sec-
9 tions 384.80 to 384.94 as applicable. Revenues derived by a city utility
10 from its share of ownership or operation of a joint facility shall be
11 deemed to be revenues of the city utility for all purposes including the
12 issuance and payment of bonds secured by or payable from the reve-
13 nues of a city utility. *A joint agreement shall be deemed payable*
14 *from revenues or revenue bonds of a city utility in the absence of*
15 *provision to the contrary or a referendum approving the issuance of*
16 *general obligation bonds.*

1 SEC. 6. The provisions of this Act are retroactive in application to
 2 all joint agreements entered into and executed prior to July 1, 1975,
 3 under chapter three hundred ninety (390) of the Code, on behalf of cit-
 4 ies which, on the date of executing the agreements, operated existing
 5 electric generating or distribution facilities. However, all such joint
 6 agreements which complied with the provisions of chapter three
 7 hundred ninety (390) of the Code prior to amendment by this Act are
 8 also in full force and effect according to their terms, and are not ren-
 9 dered invalid in any respect by any provision of this Act.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 200

CIVIL SERVICE

H. F. 395

AN ACT relating to the civil service systems of cities.

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

1 SECTION 1. Section four hundred point eight (400.8), Code 1975, is
 2 amended to read as follows:

3 **400.8 Original entrance examination—appointments.**

4 1. The commission shall, ~~during the month of April~~ of each year,
 5 ~~and~~ at such ~~other~~ times as shall be found necessary under such rules,
 6 including minimum and maximum age limits, as shall be prescribed
 7 and published in advance by the commission and posted in the city
 8 hall, hold examinations for the purpose of determining the qualifica-
 9 tions of applicants for positions under civil service, other than promo-
 10 tions, which examinations shall be practical in character and shall
 11 relate to such matters as will fairly test the mental and physical ability
 12 of the applicant to discharge the duties of the position to which he
 13 seeks appointment. Provided, however, that such physical examination
 14 of applicants for appointment to the positions of policeman, police-
 15 woman, police matron or fireman shall be held under the direction of
 16 and as specified by the boards of trustees of the fire or police retire-
 17 ment systems established by section 411.5.

18 2. *The commission shall establish the guidelines for conducting*
 19 *the examinations under subsection one (1) of this section. It may*
 20 *prepare and administer the examinations or may hire persons with*
 21 *expertise to do so if the commission approves the examinations. It*
 22 *may also hire persons with expertise to consult in the preparation of*
 23 *such examinations if the persons so hired are employed to aid per-*
 24 *sonnel of the commission in assuring that a fair examination is*
 25 *conducted. A fair examination shall explore the competence of the*
 26 *applicant in the particular field of examination.*

27 3. All appointments to such positions shall be conditional upon a
 28 probation period of not to exceed six months, and in the case of police
 29 patrolmen ~~in cities operating a police academy,~~ and firemen a proba-
 30 tion period not to exceed twelve months, during which time the ap-
 31 pointee may be removed or discharged from such position by the
 32 appointing person or body without the right of appeal to the commis-

33 sion. A person removed or discharged during a probationary period
 34 shall, at the time of discharge, be given a notice in writing stating
 35 the reason or reasons for the dismissal. A copy of such notice shall
 36 be promptly filed with the commission. Continuance in the position
 37 after the expiration of such probationary period shall constitute a per-
 38 manent appointment.

1 SEC. 2. Section four hundred point nine (400.9), Code 1975, is
 2 amended to read as follows:

3 **400.9 Promotional examinations—promotions.**

4 1. The commission shall, during the month of April of each second
 5 year, and at such other times as shall be found necessary, under such
 6 rules as shall be prescribed and published in advance by the commis-
 7 sion, and posted in the city hall, hold competitive promotional exami-
 8 nations for the purpose of determining the qualifications of applicants
 9 for promotion to a higher grade under civil service, which examina-
 10 tions shall be practical in character, and shall relate to such matters as
 11 will fairly test the ability of the applicant to discharge the duties of
 12 the position to which he seeks promotion.

13 2. The commission shall establish guidelines for conducting the
 14 examinations under subsection one (1) of this section. It may pre-
 15 pare and administer the examinations or may hire persons with ex-
 16 pertise to do so if the commission approves the examinations and if
 17 the examinations apply to the position in the city for which the ap-
 18 plicant is taking the examination. It may also hire persons with ex-
 19 pertise to consult in the preparation of such examinations if the
 20 persons so hired are employed to aid personnel of the commission in
 21 assuring that a fair examination is conducted. A fair examination
 22 shall explore the competence of the applicant in the particular field
 23 of examination.

24 3. Hereafter, all vacancies in the civil service grades above the low-
 25 est in each shall be filled by promotion of subordinates when such sub-
 26 ordinates qualify as eligible, and when so promoted, they shall hold
 27 such position with full civil service rights therein in the position. If,
 28 however, no a current employee passes a does not pass one of two suc-
 29 cessive promotional examination examinations and otherwise quali-
 30 fies qualify for the vacated position, an entrance examination for such
 31 the vacated position may be used to fill such vacancy within one year
 32 after such promotional examination it.

1 SEC. 3. Section four hundred point eleven (400.11), unnumbered
 2 paragraph three (3), Code 1975, is amended to read as follows:

3 Except where such preferred list exists, persons on the certified eligi-
 4 ble list for promotion shall hold preference for promotion until the be-
 5 ginning of a new examination, but in no case shall such preference
 6 continue longer than two years following the date of certification, after
 7 which said lists shall be canceled and no promotion to such grades shall
 8 be made until a new list has been certified eligible for promotion.

1 SEC. 4. Section four hundred point seventeen (400.17), subsections
 2 one (1) through six (6) inclusive, Code 1975, are amended by striking
 3 the subsections and inserting in lieu thereof the following:

- 4 1. Is of good moral character.
- 5 2. Is able to read and write the English language.
- 6 3. Is not a liquor or drug addict.

1 SEC. 5. Section four hundred point seventeen (400.17), Code 1975, is
 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. A person shall not be appointed, promoted, dis-
 4 charged, or demoted to or from a civil service position or in any other
 5 way favored or discriminated against in that position because of politi-
 6 cal or religious opinions or affiliations, race, national origin, sex, or
 7 age.

1 SEC. 6. Section four hundred point twenty-nine (400.29), Code 1975,
 2 is amended by striking the section and inserting in lieu thereof the fol-
 3 lowing:

4 **400.29 Campaign contributions.**

5 1. A person holding a civil service position shall not, while perform-
 6 ing official duties or while using city equipment at the person's dispos-
 7 al by reason of the position, solicit in any manner contribution for any
 8 political party or candidate or engage in any political activity during
 9 working hours that impairs the efficiency of the position or presence
 10 during the working hours. A person shall not seek or attempt to use
 11 any political endorsement in connection with any appointment to a
 12 civil service position.

13 2. A person holding a civil service position shall not, by the authori-
 14 ty of the position, secure or attempt to secure in any manner for any
 15 other person an appointment or advantage in appointment to a civil
 16 service position or an increase in pay or other advantage of employ-
 17 ment in any such position for the purpose of influencing the vote or
 18 political action of that person or for any other consideration.

19 3. A person who in any manner supervises a person holding a civil
 20 service position shall not directly or indirectly solicit the person super-
 21 vised to contribute money, anything of value, or service to a candidate
 22 seeking election, or a political party or candidate's political committee.

23 4. A civil service employee who becomes a candidate for any elective
 24 public office shall, upon request of the employee and commencing any
 25 time within thirty days prior to a primary, special, or general election
 26 and continuing until after this thirty day period, automatically be giv-
 27 en a leave of absence without pay. An employee who is a candidate for
 28 any elective public office shall not campaign while on duty as an em-
 29 ployee.

30 5. This section shall not be construed to prohibit any employee or
 31 group of employees, individually or collectively, from expressing hon-
 32 est opinions and convictions, or making statements and comments con-
 33 cerning their wages or other conditions of their employment.

Approved June 3, 1975

CHAPTER 201

LOW-RENT HOUSING

H. F. 575

AN ACT relating to eligibility for low-rent housing.

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

1 SECTION 1. Section four hundred three A point two (403A.2), subsec-
 2 tion nine (9), Code 1975, is amended to read as follows:

3 9. "Housing project" or "project" means any work or undertaking:
 4 (a) to demolish, clear or remove buildings from any slum areas; or (b)

5 to provide decent, safe and sanitary urban or rural dwellings, apart-
 6 ments or other living accommodations for ~~persons of low income fami-~~
 7 *lies of low income, lower-income families, or very low-income*
 8 *families*; or (c) to accomplish a combination of the foregoing. Such
 9 work or undertaking may include buildings, land, equipment, facilities
 10 and other real or personal property for necessary, convenient or desir-
 11 able appurtenances, streets, sewers, water service, utilities, parks, site
 12 preparation, landscaping, administrative, community, health, recre-
 13 ational, welfare or other purposes. The term "housing project" or
 14 "project" also may be applied to the planning of the buildings and im-
 15 provements, the acquisition of property, the demolition of existing
 16 structures, the construction, reconstruction, alteration or repair of the
 17 improvements and all other work in connection therewith, and the
 18 term shall include all other real and personal property and all tangible
 19 or intangible assets held or used in connection with the housing proj-
 20 ect.

1 SEC. 2. Section four hundred three A point two (403A.2), Code
 2 1975, is amended by striking subsection ten (10) and inserting in lieu
 3 thereof the following:

4 10. a. "Families of low income" means families who cannot afford
 5 to pay enough to cause private enterprise in their locality or metropol-
 6 itan area to build an adequate supply of decent, safe and sanitary
 7 dwellings for their use.

8 b. "Lower-income families" means families whose incomes do not ex-
 9 ceed eighty percent of the median income for the area with adjust-
 10 ments for the size of the family or other adjustments necessary due to
 11 unusual prevailing conditions in the area.

12 c. "Very low-income families" means families whose incomes do not
 13 exceed fifty percent of the median income for the area with adjust-
 14 ments for the size of the family or other adjustments necessary due to
 15 unusual prevailing conditions in the area.

16 d. "Families" includes, but is not limited to, families consisting of a
 17 single person in the case of any of the following:

18 (1) A person who is at least sixty-two years of age.

19 (2) A person who is under a disability.

20 (3) A person who is handicapped.

21 (4) A displaced person.

22 (5) The remaining member of a tenant family.

23 e. "Families" includes two or more persons living together, who are
 24 at least sixty-two years of age, are under a disability or are handi-
 25 capped, or one or more such individuals living with another person
 26 who is essential to such individual's care or well-being.

27 f. "Disability" means inability to engage in any substantial gainful
 28 activity by reason of any medically determinable physical or mental
 29 impairment.

30 g. "Handicapped" means having a physical or mental impairment
 31 which is expected to be of long-continued and indefinite duration, sub-
 32 stantially impedes the ability to live independently, and is of a nature
 33 that the ability to live independently could be improved by more suit-
 34 able housing conditions.

35 h. "Displaced" means displaced by governmental action, or having
 36 one's dwelling extensively damaged or destroyed as a result of a disas-
 37 ter.

38 i. The municipality, by resolution, or the agency by rule shall estab-
 39 lish further definitions applicable to this subsection as necessary to as-
 40 sure eligibility for funds available under federal housing laws.

Approved June 3, 1975

CHAPTER 202

SANITARY DISPOSAL PROJECTS

S. F. 33

AN ACT relating to sanitary disposal bonds.

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

1 SECTION 1. Section four hundred four point nineteen (404.19), sub-
2 section two (2), as it appears in Code 1973, as amended by Acts of the
3 Sixty-fifth General Assembly, 1973 Session, chapter two hundred
4 twenty-eight (228), section three (3), is amended to read as follows:

5 2. Dump grounds. Cities and towns are hereby authorized to con-
6 tract indebtedness and to issue general obligation bonds to provide
7 funds to pay the cost of establishing, constructing, acquiring, purchas-
8 ing, equipping, improving, extending, reconstructing and repairing
9 sanitary disposal projects as defined in section four hundred fifty-five
10 B point seventy-five (455B.75) of the Code or acquiring land for dump
11 ground purposes. Taxes for the payment of said bonds shall be levied
12 in accordance with chapter 76 and said bonds shall be payable through
13 the debt service fund in not more than twenty years and bear interest
14 at a rate not exceeding five seven percent per annum, and shall be of
15 such form as the city or town council shall by resolution provide. The
16 indebtedness incurred for the purpose herein provided in this section
17 shall not be considered an indebtedness incurred for general or ordi-
18 nary purposes.

1 SEC. 2. 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 The
4 Nevada Evening Journal, a newspaper published in Nevada, Iowa.

Approved February 12, 1975

I hereby certify that the foregoing Act, Senate File 33, was published in the Ames Daily Tri-
bune, Ames, Iowa, February 14, 1975, and in The Nevada Evening Journal, Nevada, Iowa,
February 14, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 203

CITY GOVERNMENT

S. F. 526

AN ACT relating to city government by correcting references to electors, modifying provisions
for administrative agencies, municipal support of industrial projects, joint transit agencies,
interest rates for city bonds, officers' bonds, federal agreements, annexation and severance,
forms of city government, compensation and removal of officers, passage of ordinances
and amendments, the mayor's right to veto, adoption of codes by reference, city utility
and city budgets, essential and general corporate purpose bonds, special assessments, reve-
nue bonds and pledge orders, and providing for liens for service charges and restricted resi-
dence districts.

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

1 SECTION 1. Section four hundred nineteen point one (419.1), subsec-
2 tion two (2), paragraph (a), Code 1975, is amended to read as follows:

3 2. "Project" means all or any part of, or any interest in, (a) any
 4 land, buildings or improvements, whether or not in existence at the
 5 time of issuance of the bonds issued under authority of this chapter,
 6 which shall be suitable for the use of any voluntary nonprofit hospital,
 7 clinic or health care facility as defined in section 135C.1, subsection 8,
 8 or of any private college or university, whether for the establishment
 9 or maintenance of such college or university, or of any industry or in-
 10 dustries for the manufacturing, processing or assembling of any agri-
 11 cultural or manufactured products, even though such processed
 12 products may require further treatment before delivery to the ultimate
 13 consumer, or of any commercial enterprise engaged in storing, ware-
 14 housing, *or* distributing ~~or selling~~ products of agriculture, mining or in-
 15 dustry including but not limited to barge facilities and river-front
 16 improvements useful and convenient for the handling and storage of
 17 goods and products or

1 SEC. 2. Section four hundred nineteen point seven (419.7), Code
 2 1975, is amended to read as follows:

3 **419.7 Application of proceeds limited.** The proceeds from the
 4 sale of any bonds, issued under authority of this chapter, shall be ap-
 5 plied only for the purpose for which the bonds were issued and if, for
 6 any reason, any portion of such proceeds shall not be needed for the
 7 purpose for which the bonds were issued, such unneeded portion of said
 8 proceeds shall be applied to the payment of the principal or the inter-
 9 est on said bonds. The cost of any project shall be deemed to include
 10 the actual cost of acquiring a site or the cost of the construction of any
 11 part of a project which may be constructed including architects' and
 12 engineers' fees, the purchase price of any part of a project that may be
 13 acquired by purchase, all expenses in connection with the authoriza-
 14 tion, sale and issuance of the bonds to finance such acquisition, an
 15 amount to be held as a bond reserve fund, and the interest on such
 16 bonds for a reasonable time prior to construction, during construction
 17 and for not exceeding six months after completion of construction, *and*
 18 *with respect to any health care facility or voluntary nonprofit hospi-*
 19 *tal the cost of retiring any existing indebtedness of such health*
 20 *care facility or voluntary nonprofit hospital which the governing*
 21 *body of the municipality determines to be reasonably necessary in*
 22 *connection with the issuance of the bonds.*

1 SEC. 3. Chapter twenty-eight E (28E), Code 1975, is amended by
 2 adding the following new section:

3 **NEW SECTION. Transit policy—joint agreement—city debt.**

4 1. It is the public policy of this state to encourage the establishment
 5 or acquisition of urban mass transit systems and the equipment, main-
 6 tenance and operation thereof by public agencies in cooperation with,
 7 and with the assistance of the urban mass transportation administra-
 8 tion of the United States department of transportation, pursuant to
 9 the provisions of the Urban Mass Transportation Act of 1964, as
 10 amended, title forty-nine (49), sections one thousand six hundred one
 11 (1601) et seq., United States Code, which requires unification or official
 12 coordination of local mass transportation services on an area-wide basis
 13 as a condition of such assistance.

14 2. An agreement between one or more cities and other public agen-
 15 cies for this purpose may be made and carried out without an election
 16 and the agency created thereby may jointly exercise through a board
 17 of trustees as provided by the agreement all the rights, powers, privi-
 18 leges and immunities of cities related to the provision of mass transpor-
 19 tation services, except the authority to incur bonded indebtedness.

20 3. A city which is a party in a joint transit agency may issue general
21 corporate purpose bonds for the support of a capital program for the
22 joint agency in the following manner:

23 a. The council shall give notice and conduct a hearing on the pro-
24 posal in the manner set forth in section three hundred eighty-four
25 point twenty-five (384.25) of the Code. However, the notice must be
26 published at least ten days prior to the hearing, and if a petition valid
27 under section three hundred sixty-two point four (362.4) of the Code is
28 filed with the clerk of the city prior to the hearing, asking that the
29 question of issuing the bonds be submitted to the qualified electors of
30 the city, the council shall either by resolution declare the proposal
31 abandoned or shall direct the county commissioner of elections to call
32 a special election to vote upon the question of issuing the bonds. No-
33 tice of the election and its conduct shall be in the manner provided in
34 section three hundred eighty-four point twenty-six (384.26) of the
35 Code.

36 b. If no petition is filed, or if a petition is filed and the proposition
37 of issuing bonds is approved at the election, the council may proceed
38 with the authorization and issuance of the bonds.

39 An agreement may provide for full or partial payment from transit
40 revenues to the cities for meeting debt service on such bonds.

41 This subsection shall be construed as granting additional power with-
42 out limiting the power already existing in cities, and as providing an
43 alternative independent method for the carrying out of any project for
44 the issuance and sale of bonds for the financing of a city's share of a
45 capital expenditures project of a joint transit agency, and no further
46 proceedings with respect to the authorization of the bonds shall be re-
47 quired.

1 SEC. 4. Chapter twenty-eight G (28G), Code 1975, is repealed.

1 SEC. 5. Chapter seventy-five (75), Code 1975, is amended by adding
2 the following new section:

3 **NEW SECTION. Maximum interest rates.** Unless otherwise provid-
4 ed by law, the maximum rates of interest on all bonds issued by a city
5 shall be as follows:

6 1. General obligation bonds or other evidences of indebtedness pay-
7 able from general taxation may bear interest at a rate not exceeding
8 seven percent per annum.

9 2. Revenue bonds or obligations, the principal and interest of which
10 are to be paid solely and only from the revenue derived from the oper-
11 ations of the project for which the bonds or obligations are issued, may
12 bear interest at a rate not exceeding seven and one-half percent per an-
13 num. This subsection shall not apply to revenue bonds issued pursuant
14 to chapter four hundred nineteen (419) of the Code.

15 3. Special assessment bonds or certificates, the principal and interest
16 of which are payable from special assessments levied against benefited
17 property may bear interest at a rate not exceeding seven percent per
18 annum.

1 SEC. 6. Section sixty-four point thirteen (64.13), Code 1975, is
2 amended to read as follows:

3 **64.13 Municipal officers.** The bonds of all municipal officers
4 who are required to give bonds shall each be in such penal sum as may
5 be provided by law or as the council shall from time to time prescribe
6 by ordinance; but the bonds of mayors shall not be in less sum than
7 five hundred dollars each council may provide for a surety bond run-
8 ning to the city and covering all city officers and employees not

9 *otherwise covered and conditioned as specified for bonds in section*
10 *sixty-four point two (64.2) of the Code.*

1 SEC. 7. Section sixty-four point nineteen (64.19), subsection five (5),
2 Code 1975, is amended to read as follows:

3 5. By the ~~mayer~~ *council*, or as ~~may~~ *be* provided by ordinance, in
4 case of city officers.

1 SEC. 8. Section sixty-four point nineteen (64.19), Code 1975, is
2 amended by striking subsection six (6).

1 SEC. 9. Section sixty-four point twenty-three (64.23), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. For officers of cities, and officers not otherwise provided for, ~~when~~
4 ~~both bond and oath are required~~, in the office of the officer or clerk of
5 the body approving the bond, *or in cities, as otherwise provided by*
6 *ordinance.*

1 SEC. 10. Section sixty-four point twenty-three (64.23), Code 1975, is
2 amended by striking subsection seven (7).

1 SEC. 11. Section three hundred sixty-two point two (362.2), Code
2 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. "Eligible elector" means the same as it is defined
4 in section thirty-nine point three (39.3), subsection one (1), of the
5 Code.

1 SEC. 12. Section three hundred sixty-two point four (362.4), Code
2 1975, is amended to read as follows:

3 **362.4 Petition of voters.** If a petition of the voters is authorized
4 by the city code, the petition is valid if signed by ~~voters eligible elec-~~
5 ~~tors~~ of the city equal in number to ten percent of the persons who vot-
6 ed at the last preceding regular city election, but not less than ten
7 persons, unless otherwise provided by state law.

1 SEC. 13. Section three hundred sixty-four point five (364.5), Code
2 1975, is amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A city may enter into an agreement
4 with the federal government acting through any of its authorized agen-
5 cies, and may carry out provisions of the agreement as necessary to
6 meet federal requirements to obtain the funds or cooperation of the
7 federal government or its agencies for the planning, construction, reha-
8 bilitation, or extension of a public improvement.

1 SEC. 14. Section three hundred sixty-eight point four (368.4), Code
2 1975, is amended to read as follows:

3 **368.4 Annexing moratorium.** A city, *following notice and*
4 *hearing*, may *by resolution* agree with another city or cities to refrain
5 from annexing specifically described territory for a period not to ex-
6 ceed ten years *and, following notice and hearing, may by resolution*
7 *extend the agreement for subsequent periods not to exceed ten years*
8 *each.* If such an agreement is in force, the board shall dismiss a peti-
9 tion or plan which violates the terms of the agreement.

1 SEC. 15. Section three hundred sixty-eight point seven (368.7), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 *An application for annexation under this section must be ap-*
5 *proved by resolution of the council which receives the application.*
6 If the territory is within the urbanized area of a city other than the

7 city to which the request for annexation is directed, the application
 8 must also be approved by the board. ~~The application must also be ap-~~
 9 ~~proved by the council which receives the application.~~ Upon receiving
 10 the required approval, ~~the territory becomes a part of the adjoining~~
 11 ~~city~~ the council shall file a copy of the map and resolution with the
 12 board. The annexation is completed when the board has filed copies
 13 of the applicable portions of the proceedings as required in section
 14 three hundred sixty-eight point twenty (368.20), subsection two (2)
 15 of the Code.

1 SEC. 16. Section three hundred sixty-eight point eight (368.8), Code
 2 1975, is amended to read as follows:

3 **368.8 Severing territory.** Any territory may be severed upon the
 4 unanimous consent of all owners of the territory and ~~approved~~ *approval*
 5 by resolution of the council of the city in which the territory is lo-
 6 cated. The council shall provide in the resolution for the equitable dis-
 7 tribution of assets and equitable distribution and assumption of
 8 liabilities of the territory as between the city and the severed territory.
 9 *The council shall file a copy of the resolution and a map with the*
 10 *board. The severance shall be completed upon filing when the board*
 11 *has filed copies of the resolution and map as provided in section*
 12 *368.20, subsection 2.*

1 SEC. 17. Section three hundred sixty-eight point fourteen (368.14),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 If a petition is not dismissed, the board shall direct the appointment
 5 of local representatives to serve with board members as a committee to
 6 consider the proposal. Each local representative is entitled to receive
 7 from the state his actual and necessary expenses spent in performance
 8 of committee duties. Two board members and one local representative,
 9 or if the number of local representatives exceeds one, two board mem-
 10 bers and at least one-half of the appointed local representatives, are re-
 11 quired for a quorum of the committee. A local representative must be a
 12 qualified ~~voter~~ *elector* of the territory or city he represents, and must
 13 be selected as follows:

1 SEC. 18. Section three hundred seventy-two point two (372.2), sub-
 2 section one (1), Code 1975, is amended to read as follows:

3 1. ~~Voters~~ *Eligible electors* of the city, equal in number to at least
 4 twenty-five percent of the persons who voted at the last regular city
 5 election, may petition the mayor to adopt a different form of city gov-
 6 ernment.

1 SEC. 19. Section three hundred seventy-two point four (372.4), Code
 2 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975
 3 Session, House File seven hundred twenty-three (723), section thirteen
 4 (13), is amended to read as follows:

5 **372.4 Mayor-council form.** A city governed by the mayor-coun-
 6 cil form has a mayor and five councilmen elected at large, unless by
 7 ordinance a city so governed chooses to have a mayor elected at large
 8 and an odd number of councilmen but not less than five, including at
 9 least two councilmen elected at large and one councilman elected by
 10 and from each ward. *The council may, by ordinance, provide for a*
 11 *city manager and prescribe his powers and duties, and as long as*
 12 *the council contains an odd number of councilmen, may change the*
 13 *number of wards, abolish wards, or increase the number of council-*
 14 *men at large without changing the form.*

15 However, a city governed, on the effective date of this section, by
 16 the mayor-council form composed of a mayor and a council consisting
 17 of two councilmen elected at large, and one councilman from each of
 18 four wards, or a special charter city governed, on the effective date of
 19 this section, by the mayor-council form composed of a mayor and a
 20 council consisting of two councilmen elected at large and one council-
 21 man elected from each of eight wards, may continue until the form of
 22 government is changed as provided in section 372.2 or section 372.9.
 23 While a city is thus operating with an even number of councilmen, the
 24 mayor may vote to break a tie vote on motions *not involving ordi-*
 25 *nances, resolutions or appointments made by the council alone*, and
 26 in a special charter city operating with ten councilmen under this sec-
 27 tion, the mayor may vote to break a tie vote on all measures.

28 The mayor shall appoint a councilman as mayor pro tem, and ~~a~~
 29 *shall appoint the marshal or chief of police except where an intergov-*
 30 *ernmental agreement makes other provisions for police protection.*
 31 Other officers must be selected as directed by the council. The mayor is
 32 not a member of the council and may not vote as a member of the
 33 council.

34 ~~The council may by ordinance provide for a city manager and pre-~~
 35 ~~scribe his powers, duties, and compensation.~~

1 SEC. 20. Section three hundred seventy-two point five (372.5), un-
 2 numbered paragraph three (3), Code 1975, is amended to read as fol-
 3 lows:

4 A city governed by the commission form and having a council com-
 5 posed of a mayor and two councilmen elected at large may continue
 6 with a council of three until the form of government is changed as pro-
 7 vided in section 372.2 or section 372.9 *or without changing the form,*
 8 *may submit to the voters the question of increasing the council to*
 9 *five members assigned to the five departments as set out in this sec-*
 10 *tion.*

1 SEC. 21. Section three hundred seventy-two point nine (372.9), sub-
 2 section one (1), paragraph b, Code 1975, is amended to read as follows:

3 b. ~~Voters~~ *Eligible electors* of the city equal in number to at least
 4 twenty-five percent of the persons who voted at the last regular city
 5 election petitioning the council to appoint a charter commission to pre-
 6 pare a proposed charter. The council shall, within thirty days of the
 7 filing of a valid petition, appoint a charter commission composed of
 8 not less than five nor more than fifteen members. The charter commis-
 9 sion shall, within six months of its appointment, prepare and file with
 10 the council a proposed charter.

1 SEC. 22. Section three hundred seventy-two point ten (372.10), un-
 2 numbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 A home rule charter must contain ~~and is limited to~~ provisions for:

1 SEC. 23. Section three hundred seventy-two point thirteen (372.13),
 2 subsections four (4), six (6), seven (7) and eight (8), Code 1975, are
 3 amended to read as follows:

4 4. Except as otherwise provided by state or city law, the council may
 5 appoint ~~and remove~~ city officers and employees, and prescribe their
 6 powers, duties, compensation, and terms. The appointment of a city
 7 manager must be made on the basis of his qualifications and not on
 8 the basis of political affiliation.

9 6. ~~Immediately~~ *Within fifteen days* following a regular or special
 10 meeting of the council, the clerk shall ~~prepare a condensed statement~~
 11 ~~cause the minutes~~ of the proceedings of the council, including the total
 12 expenditure from each city fund, ~~and cause the statement~~ to be
 13 published in a newspaper of general circulation in the city. The ~~state-~~
 14 ~~ment~~ *publication* shall include a list of all claims allowed and a sum-
 15 mary of all receipts, and shall show the gross amount of the claim.
 16 *Matters discussed in closed session pursuant to section twenty-eight*
 17 *A point three (28A.3) of the Code shall not be published until en-*
 18 *tered on the public minutes.* However, in cities having more than one
 19 hundred fifty thousand population the council shall each month print
 20 in pamphlet form a detailed itemized statement of all receipts and dis-
 21 bursements of the city, and a summary of its proceedings during the
 22 preceding month, and furnish copies to the city library, the daily news-
 23 papers of the city, and to persons who apply at the office of the city
 24 clerk, and the pamphlet shall constitute publication as required. Fail-
 25 ure by the clerk to make publication is a misdemeanor. The provisions
 26 of this subsection are applicable in cities in which a newspaper is pub-
 27 lished, or in cities of two hundred population or over, but in all other
 28 cities, posting the statement in three public places in the city which
 29 have been permanently designated by ordinance is sufficient compli-
 30 ance with this subsection.

31 7. By ordinance, the council may divide the city into wards based
 32 upon population, change the boundaries of wards, *eliminate wards* or
 33 create new wards.

34 8. By ordinance, the council shall prescribe the compensation of the
 35 mayor, councilmen, and other elected city officers, but ~~an increase~~ a
 36 *change* in the compensation of the mayor shall not become effective
 37 during the term in which the increase is adopted, and the council shall
 38 not adopt such an ordinance ~~increasing~~ *changing* the compensation of
 39 the mayor or councilmen during the months of November and Decem-
 40 ber immediately following a regular city election. ~~An increase~~ A
 41 *change* in the compensation of councilmen shall become effective for
 42 all councilmen at the beginning of the term of the councilmen elected
 43 at the election next following the ~~increase~~ *change* in compensation.

44 *No elected city officer shall receive any other compensation for*
 45 *any other city office or city employment during his term of office,*
 46 *but may be reimbursed for his actual expenses. However, if the may-*
 47 *or pro tem performs the duties of the mayor during his absence or*
 48 *disability for a continuous period of fifteen days or more, the may-*
 49 *or pro tem may be paid for that period such compensation as deter-*
 50 *mined by the council, based upon his performance of the mayor's*
 51 *duties and upon the compensation of the mayor.*

1 SEC. 24. Chapter three hundred seventy-two (372), Code 1975, is
 2 amended by adding the following new section:

3 NEW SECTION. Except as otherwise provided by state or city law, all
 4 persons appointed to city office may be removed by the officer or body
 5 making the appointment, but every such removal shall be by written
 6 order. The order shall give the reasons, be filed in the office of the city
 7 clerk, and a copy shall be sent by certified mail to the person removed
 8 who, upon request filed with the clerk within thirty days of the date of
 9 mailing the copy, shall be granted a public hearing before the council
 10 on all issues connected with the removal. The hearing shall be held
 11 within thirty days of the date the request is filed, unless the person re-
 12 moved requests a later date.

1 SEC. 25. Section three hundred seventy-six point four (376.4), un-
2 numbered paragraphs one (1) and four (4), Code 1975, are amended to
3 read as follows:

4 ~~A voter~~ *An eligible elector* of a city may become a candidate for an
5 elective city office by filing with the city clerk a valid petition request-
6 ing that his name be placed on the ballot for that office. The petition
7 must be filed not more than sixty-five days nor less than forty days be-
8 fore the date of the election, and must be signed by ~~voters~~ *eligible*
9 *electors* equal in number to at least two percent of those who voted to
10 fill the same office at the last regular city election, but not less than
11 ten persons. Nomination petitions shall be filed not later than five
12 o'clock p.m. on the last day for filing.

13 The petition must include the affidavit of at least one ~~voter~~ *eligible*
14 *elector* other than the petitioners and the individual for whom the pe-
15 tition is being filed, stating the affiant's knowledge, information, and
16 belief as to the residence of the petitioners.

1 SEC. 26. Section three hundred eighty point three (380.3), Code
2 1975, is amended to read as follows:

3 **380.3 Two readings considerations before action final pas-**
4 **sage—how waived.** A proposed ordinance or amendment must be ~~re-~~
5 ~~ceived considered~~ and ~~placed on file~~ *voted on for passage* at two
6 council meetings prior to the meeting at which it is to be finally ~~act-~~
7 ~~ed upon passed~~, unless this requirement is suspended by a recorded
8 vote of not less than three-fourths of the council members.

9 However, if a summary of the proposed ordinance or amendment is
10 published as provided in section 362.3, prior to its first ~~filing~~ *consider-*
11 *ation*, and copies are available at the time of publication at the office
12 of the city clerk, the ordinance or amendment must be ~~received consid-~~
13 ~~ered~~ and ~~placed on file~~ *voted on for passage* at one meeting prior to
14 the meeting at which it is to be finally ~~acted upon~~ *passed*, unless this
15 requirement is suspended by a recorded vote of not less than three-
16 fourths of the council members.

1 SEC. 27. Section three hundred eighty point five (380.5), Code 1975,
2 is amended to read as follows:

3 **380.5 Mayor.** The mayor may sign, veto, or take no action on an
4 ordinance, amendment, or resolution passed by the council. *However,*
5 *the mayor may not veto a measure if the mayor was entitled to vote*
6 *on the measure at the time of passage.*

1 SEC. 28. Section three hundred eighty point ten (380.10), Code
2 1975, is amended to read as follows:

3 **380.10 Adoption by reference.** A city may adopt the provisions
4 of any *statewide or nationally recognized standard* code or portions
5 of any *such* code by an ordinance which identifies the code by subject
6 matter, source and date, and incorporates the provisions by reference
7 without setting them forth in full. Such code or portion must be adopt-
8 ed *only after notice and hearing* in the manner provided in section
9 380.8.

1 SEC. 29. Section three hundred eighty-four point two (384.2), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 Except as otherwise provided for special charter cities, a city's fiscal
5 year shall be as provided in section 24.2, subsection 4. All city property
6 taxes must be certified by a city to the county auditor on or before the
7 fifteenth day of March of each year, unless otherwise provided by state

8 law. However, municipal utilities, if not supported by taxation or
 9 the proceeds of outstanding indebtedness payable from taxes may,
 10 with the council's consent, choose to operate on a fiscal year which
 11 is the calendar year. The receipt by the utility of payments from
 12 other governmental funds for public fire protection, street lighting
 13 or other public use of the utility's services shall not be deemed sup-
 14 port by taxation. After notice and hearing in the same manner as
 15 required for the city's regular budget under section three hundred
 16 eighty-four point sixteen (384.16) of the Code, the utility budget
 17 must be approved by resolution of the council not later than twenty
 18 days prior to the beginning of the calendar year for which the bud-
 19 get applies.

1 SEC. 30. Section three hundred eighty-four point sixteen (384.16),
 2 subsections two (2) and three (3), Code 1975, are amended to read as
 3 follows:

4 2. Not less than twenty days before the date that a budget must be
 5 certified to the county auditor and not less than ten days before the
 6 date set for the hearing, the clerk shall ~~provide~~ make available a suf-
 7 ficient number of copies of the detailed budget to meet reasonable de-
 8 mands the requests of taxpayers and organizations, and have them
 9 available for distribution at the offices of the mayor and clerk and at
 10 the city library, if any, or have a copy posted at one of the three
 11 places designated by ordinance for posting notices if there is no li-
 12 brary.

13 3. The council shall set a time and place for public hearing on the
 14 budget before the final certification date and shall publish notice be-
 15 fore the hearing as provided in section 362.3. A summary of the pro-
 16 posed budget shall be included in the notice. Proof of publication
 17 must be filed with the county auditor.

1 SEC. 31. Section three hundred eighty-four point twenty-four
 2 (384.24), subsection three (3), Code 1975, is amended by adding the fol-
 3 lowing new paragraphs:

4 NEW PARAGRAPH. The reconstruction and improvement of dams al-
 5 ready owned.

6 NEW PARAGRAPH. The reconstruction, extension, and improvement of
 7 an airport already owned.

8 NEW PARAGRAPH. The rehabilitation and improvement of parks al-
 9 ready owned, including the removal, replacement and planting of trees
 10 thereon.

11 NEW PARAGRAPH. The rehabilitation and improvement of area televi-
 12 sion translator systems already owned.

13 NEW PARAGRAPH. The aiding in the planning, undertaking, and car-
 14 rying out of urban renewal projects under the authority of chapter four
 15 hundred three (403) of the Code, and all of the purposes set out in sec-
 16 tion four hundred three point twelve (403.12) of the Code. However,
 17 bonds issued for this purpose are subject to the right of petition for an
 18 election as provided in section three hundred eighty-four point twenty-
 19 six (384.26) of the Code, without limitation on the amount of the bond
 20 issue or the size of the city, and the council shall include notice of the
 21 right of petition in the notice required under section three hundred
 22 eighty-four point twenty-five (384.25), subsection two (2) of the Code.

1 SEC. 32. Section three hundred eighty-four point twenty-four
 2 (384.24), subsection four (4), paragraphs d and g, Code 1975, are
 3 amended to read as follows:

4 d. The acquisition, construction, reconstruction, and improvement of
 5 dams at the time of acquisition.

6 g. The aiding in the planning, undertaking, and carrying out of ur-
 7 ban renewal projects under the authority of chapter 403, and all of the
 8 purposes set out in section 403.12 *The acquisition, construction, re-*
 9 *construction, and improvement of airports at the time of establish-*
 10 *ment.*

1 SEC. 33. Section three hundred eighty-four point twenty-six
 2 (384.26), Code 1975, is amended by adding the following new subsec-
 3 tion:

4 NEW SUBSECTION. a. Notwithstanding the provisions of subsection
 5 two (2) of this section, a council may, in lieu of calling an election, in-
 6 stitute proceedings for the issuance of bonds for a general corporate
 7 purpose by causing a notice of the proposal to issue the bonds, includ-
 8 ing a statement of the amount and purpose of the bonds, together with
 9 the maximum rate of interest which the bonds are to bear, and the
 10 right to petition for an election, to be published at least once in a
 11 newspaper of general circulation within the city at least ten days prior
 12 to the meeting at which it is proposed to take action for the issuance of
 13 the bonds subject to the following limitations:

14 (1) In cities having a population of five thousand or less, in an
 15 amount of not more than twenty-five thousand dollars.

16 (2) In cities having a population of more than five thousand and not
 17 more than seventy-five thousand, in an amount of not more than
 18 seventy-five thousand dollars.

19 (3) In cities having a population in excess of seventy-five thousand,
 20 in an amount of not more than one hundred fifty thousand dollars.

21 b. If at any time before the date fixed for taking action for the issu-
 22 ance of the bonds, a petition is filed with the clerk of the city in the
 23 manner provided by section three hundred sixty-two point four (362.4)
 24 of the Code, asking that the question of issuing the bonds be submitted
 25 to the qualified electors of the city, the council shall either by resolu-
 26 tion declare the proposal to issue the bonds to have been abandoned or
 27 shall direct the county commissioner of elections to call a special elec-
 28 tion upon the question of issuing the bonds. Notice of the election and
 29 its conduct shall be in the manner provided in the preceding subsec-
 30 tions of this section.

31 c. If no petition is filed, or if a petition is filed and the proposition
 32 of issuing the bonds is approved at an election, the council may pro-
 33 ceed with the authorization and issuance of the bonds.

1 SEC. 34. Section three hundred eighty-four point fifty-nine (384.59),
 2 subsection three (3), Code 1975, is amended to read as follows:

3 3. The amount to be assessed against each lot, which shall include
 4 the assessment for the default fund, if any, and the amount of defi-
 5 ciency, if any, which may be subsequently assessed against each lot un-
 6 der section 384.63. ~~No special assessment against any lot shall be more~~
 7 ~~than ten percent in excess of the estimated cost, as provided in the pre-~~
 8 ~~liminary schedule required under section 384.47.~~

1 SEC. 35. Section three hundred eighty-four point sixty-two (384.62),
 2 unnumbered paragraph two (2), Code 1975, is amended to read as fol-
 3 lows:

4 Special assessments for the construction or repair of underground
 5 connections for private property for gas, water, sewers, or electricity
 6 may be assessed to each lot for the actual cost of each connection for
 7 that lot, and the twenty-five percent limitation does *not* apply. Such
 8 connections shall not be installed to service railway right of way with-
 9 out written agreement with the railway company owning or leasing the
 10 right of way.

1 SEC. 36. Section three hundred eighty-four point eighty-two
2 (384.82), subsection one (1), Code 1975, is amended by adding the fol-
3 lowing new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. A city may deliver its revenue bonds
5 to the federal government or any agency thereof which has loaned the
6 city money for sanitary or solid waste projects, water projects or other
7 projects for which the government has a loan program.

1 SEC. 37. Section three hundred eighty-four point eighty-three
2 (384.83), subsection five (5), Code 1975, is amended to read as follows:

3 5. Revenue bonds *and pledge orders* issued pursuant to this division
4 are negotiable instruments.

1 SEC. 38. Section three hundred eighty-four point eighty-four
2 (384.84), subsection one (1), Code 1975, is amended by adding the fol-
3 lowing new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. All rates or charges for the services of
5 sewer systems, sewage treatment, solid waste collection, solid waste dis-
6 posal, or any of these, if not paid as provided by ordinance of council,
7 or resolution of trustees, shall constitute a lien upon the premises
8 served by any of these services and may be certified to the county au-
9 ditor and collected in the same manner as taxes.

1 SEC. 39. Section three hundred ninety-two point one (392.1), Code
2 1975, is amended to read as follows:

3 **392.1 Establishment by ordinance.** If the council wishes to es-
4 tablish an administrative agency, it shall do so by an ordinance which
5 indicates the title, powers, and duties of the agency, the method of ap-
6 pointment *or election*, qualifications, compensation, and term of mem-
7 bers, and other appropriate matters relating to the agency. The title of
8 an administrative agency must be appropriate to its function. The
9 council may not delegate to an administrative agency any of the pow-
10 ers, authorities, and duties prescribed in division V of chapter 384 or in
11 chapter 388, except that the council may delegate to an administrative
12 agency power to establish and collect charges, and dispense the moneys
13 received for the use of a city facility, including a city enterprise, as de-
14 fined in section 384.24, so long as there are no revenue bonds or pledge
15 orders outstanding which are payable from the revenues of the city en-
16 terprise. Except as otherwise provided in this chapter, the council may
17 delegate rule-making authority to the agency for matters within the
18 scope of the agency's powers and duties, and may prescribe penalties
19 for violation of agency rules which have been adopted by ordinance.
20 Rules governing the use by the public of any city facility must be
21 made readily available to the public.

1 SEC. 40. Chapter four hundred fourteen (414), Code 1975, is amend-
2 ed by adding the following new section:

3 NEW SECTION. **Restricted residence districts.** A city may, and
4 upon petition of sixty percent of the owners of the real estate in the
5 district sought to be affected who are residents of the city shall, desig-
6 nate and establish, after notice and hearing, restricted residence dis-
7 tricts within the city limits.

8 In the ordinance designating and establishing a restricted residence
9 district, the city may establish reasonable rules for the use and occu-
10 pancy of buildings of all kinds within the district, and provide that no
11 building or other structure, except residences, schoolhouses, churches,
12 and other similar structures, shall be erected, altered, repaired, or occu-
13 pied without first securing from the city council a permit to be issued

14 under reasonable rules as may be provided in the ordinance. An ordi-
 15 nance and rules passed under this section shall not conflict with appli-
 16 cable building and housing codes.

17 A building or structure erected, altered, repaired, or used in viola-
 18 tion of an ordinance passed under this section shall be deemed a nui-
 19 sance.

20 When a city has proceeded under the other provisions of this chap-
 21 ter, this section shall no longer be in effect for the city.

Approved July 18, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 204

EQUALIZATION OF PROPERTY VALUATIONS

H. F. 885

AN ACT to exempt the equalization of property from the provisions of the Iowa administra-
 tive procedure Act.

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

1 SECTION 1. Section four hundred twenty-one point seventeen
 2 (421.17), Code 1975, is amended by adding the following new subsec-
 3 tion:

4 NEW SUBSECTION. The provisions of sections seventeen A point ten
 5 (17A.10) through seventeen A point eighteen (17A.18) of the Code re-
 6 lating to contested cases shall not apply to any matters involving the
 7 equalization of valuations of classes of property as authorized by chap-
 8 ters four hundred twenty-one (421) and four hundred forty-one (441) of
 9 the Code. This exemption shall not apply to a hearing before the state
 10 board of tax review.

Approved June 16, 1975

CHAPTER 205

TAX EQUALIZATION ORDERS

S. F. 545

AN ACT relating to the effective date of equalization orders issued by the director of revenue
 and providing for an appropriation for the Iowa consumer price index.

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

1 SECTION 1. Section four hundred twenty-one point twenty (421.20),
 2 Code 1975, is amended to read as follows:

3 **421.20 Actions.** The director of revenue may bring actions of
 4 mandamus or injunction or any other proper actions in the district
 5 court to compel the performance of any order made by the director or
 6 to require any board of equalization or any other officer or person to
 7 perform any duty required by this chapter. The director shall select

8 *commence an action only in the district court in the county which is*
 9 *most accessible to the subject matter, and in which the defendant or*
 10 *defendants in any such the action; but no removal of the question to*
 11 *any other county shall be had by any defendant in consequence of his*
 12 *not being a resident of the county where the action is brought or be-*
 13 *cause the subject matter shall not be located in the county in which*
 14 *said action may be brought perform their official duties.*

15 *Upon the filing of an action in the county required by this sec-*
 16 *tion the director may move to change the action to another county,*
 17 *and the motion shall be granted upon a showing of good cause. As*
 18 *used in this section, good cause shall mean those grounds for*
 19 *change specified in rule one hundred sixty-seven (167) of the Rules*
 20 *of Civil Procedure: However, the director shall not be required to*
 21 *submit affidavits of disinterested persons in order to prevail in the*
 22 *motion.*

1 SEC. 2. Section four hundred forty-one point twenty-one (441.21),
 2 subsection one (1), Code 1975, is amended by inserting after unnum-
 3 bered paragraph two (2) the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. In assessing and determining the ac-
 5 tual value of special purpose industrial real and tangible personal
 6 property having an actual value of five million dollars or more, the as-
 7 sessor shall equalize the values of such property with the actual values
 8 of other comparable special purpose industrial property in other coun-
 9 ties of the state. Such special purpose industrial property includes, but
 10 is not limited to chemical plants. If a variation of ten percent or more
 11 exists between the actual values of comparable industrial property hav-
 12 ing an actual value of five million dollars or more located in separate
 13 counties, the assessors of such counties shall consult with each other
 14 and with the department of revenue to determine if adequate reasons
 15 exist for such variation. If no such reasons exist, the assessors shall
 16 make adjustments in such actual values to provide for a variation of
 17 ten percent or less. For the purposes of this paragraph, special purpose
 18 industrial property includes structures which are designed and erected
 19 for operation of a unique and special use, are not rentable in existing
 20 condition and are incapable of conversion to ordinary commercial or
 21 industrial use except at a substantial cost.

1 SEC. 3. Section four hundred forty-one point forty-eight (441.48),
 2 Code 1975, is amended to read as follows:

3 **441.48 Notice of adjustment.** Before the director of revenue
 4 shall adjust the valuation of any kind or class of property any such
 5 percentage, the director shall serve ten days' notice by mail, on the as-
 6 sessor ~~county auditor of the county~~ whose valuation is proposed to be
 7 adjusted and *the director* shall hold an adjourned meeting after such
 8 ten days' notice, at which time such ~~assessor county or assessing jurisdic-~~
 9 tion may appear by its ~~assessor city council or board of supervi-~~
 10 sors, city or county attorney, ~~or otherwise and other city or county~~
 11 *officials*, and make written or oral protest against such proposed ad-
 12 justment, which protest shall consist simply of a statement of the error,
 13 or errors, complained of with such facts as may lead to their correction,
 14 and at such adjourned meeting final action may be taken in reference
 15 thereto.

1 SEC. 4. Section four hundred forty-one point forty-nine (441.49),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **441.49 Adjustment by county auditor.** The director shall keep a
5 record of the review and adjustment proceedings and finish such pro-
6 ceedings on or before the third Monday of October. The director shall
7 notify each county auditor by mail of the final action taken at the pro-
8 ceedings and specify any adjustments in the valuations of any kind or
9 class of property to be made effective for the jurisdiction. However, a
10 county may request the director to permit the use of an alternative
11 method of applying the ordered increase to the property values in the
12 county, provided that the final valuation shall be equivalent to the in-
13 crease ordered by the director. The request to use an alternative meth-
14 od of applying the ordered increase including procedures for appealing
15 valuation adjustments shall be made within ten days from the date the
16 county auditor receives the equalization order and the valuation ad-
17 justments shall be completed by December thirty-first of the year of
18 the equalization order. The grounds that compliance with the provi-
19 sions of section four hundred forty-one point twenty-one (441.21) of the
20 Code shall be sufficient grounds for the director to permit the use of an
21 alternative method of applying the increases required by the equaliza-
22 tion order. The director shall adjust the valuation when there is a vari-
23 ation of five percent above or below the actual value. The county
24 auditor shall notify by publication in official newspapers of general
25 circulation any class or classes of property affected by an equalization
26 order. The county auditor shall thereupon add to or deduct from the
27 valuation of each kind or class of property in his county the required
28 percentage, rejecting all fractions of fifty cents or less in the result,
29 and counting all fractions over fifty cents as one dollar.

30 The local board of review shall reconvene in special session from No-
31 vember first to November thirtieth for the purpose of hearing any and
32 all protests that any affected property owner or taxpayer within the ju-
33 risdiction of the board may have, whose valuation of property, if ad-
34 justed pursuant to the property valuation notice issued by the director
35 of revenue to the county auditor of the county would result in a great-
36 er taxable value than permitted under section four hundred forty-one
37 point twenty-one (441.21) of the Code and where the property owner or
38 taxpayer is able to show to the satisfaction of the local board of review
39 that an inequity would result if the provisions of the notice would be
40 applied to his property. The local board of review shall accept protests
41 only during the first fifteen days following the date the local board of
42 review reconvenes. The local board of review may recommend to the
43 director an adjustment to all or a part of the percentage increase or-
44 dered by the director of revenue, by adjusting the taxable value of the
45 property to one hundred percent of actual value. Any adjustment so
46 recommended by the local board of review shall not exceed the per-
47 centage increase provided for in the director's notice. The recommen-
48 dation of the local board of review at the special session shall be
49 reported to the director of revenue.

1 SEC. 5. Chapter four hundred forty-one (441), Code 1975, is amend-
2 ed by adding the following new section:

3 **NEW SECTION. Reporting of agricultural land valuation.** Each
4 county assessor shall, not later than February first of each year, report
5 to the department of revenue the following information:

6 1. Proposed changes in the valuation of agricultural land in the
7 county.

8 2. The total increase or decrease in agricultural land valuations
9 which will result from the proposed changes.

10 3. Specific changes proposed in the valuations of agricultural land
11 located adjacent to boundaries of the county.

1 SEC. 6. Section four hundred forty-two point two (442.2), unnum-
 2 bered paragraph one (1), Code 1975, is amended to read as follows:
 3 Each school district shall cause to be levied each year, for the school
 4 general fund, a foundation property tax of five dollars and forty cents
 5 per thousand dollars of assessed valuation on all taxable property in
 6 the district. For the purpose of this chapter, a school district is defined
 7 as a school corporation organized under chapter 274. Each county audi-
 8 tor shall certify to each school district within the county and to the
 9 state comptroller, not later than ~~October~~ *January first* each year,
 10 the assessed valuation of taxable property for the current year in each
 11 school district within the county.

1 SEC. 7. Section four hundred forty-two point nine (442.9), subsec-
 2 tion two (2), Code 1975, is amended to read as follows:

3 2. No later than ~~August~~ *May first* of each year, the state comptrol-
 4 ler shall notify the county auditor of each county the amount, in dol-
 5 lars and cents per thousand dollars of assessed value, of the additional
 6 property tax levy in each school district in the county. Each county
 7 auditor shall spread the additional property tax levy for each school
 8 district over all taxable property in the district.

1 SEC. 8. NEW SECTION. There is appropriated from the general fund
 2 of the state for the fiscal year beginning July 1, 1975 and ending June
 3 30, 1976 the sum of fifty thousand (50,000) dollars, or so much thereof
 4 as is necessary, for computation of an Iowa consumer price index for
 5 use in calculating the state percent of growth in the state school foun-
 6 dation program under the provisions of chapter four hundred forty-two
 7 (442) of the Code. The state comptroller may contract with organiza-
 8 tions having knowledge in the field of economic research as deemed
 9 necessary. The state comptroller may accept and expend federal funds
 10 or other grants for the purpose of carrying out the provisions of this
 11 Act.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 206

REFERENCES TO INTERNAL REVENUE CODE

H. F. 56

AN ACT relating to references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax.

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

1 SECTION 1. Section four hundred twenty-two point four (422.4), sub-
 2 section seventeen (17), Code 1975, is amended to read as follows:

3 17. "Internal Revenue Code of 1954" means the Internal Revenue
 4 Code of 1954, as amended to and including January 1, ~~1974~~ 1975.

1 SEC. 2. Section four hundred twenty-two point thirty-two (422.32),
 2 subsection four (4), Code 1975, is amended to read as follows:

3 4. "Internal Revenue Code of 1954" means the Internal Revenue
 4 Code of 1954, as amended to and including January 1, ~~1974~~ 1975.

1 SEC. 3. Section four hundred twenty-two point sixty-one (422.61),
2 subsection four (4), Code 1975, is amended to read as follows:

3 4. "Net income" means the net income of the financial institution
4 computed in accordance with section 422.35, with the exception that in-
5 terest and dividends from federal securities shall not be subtracted and
6 interest and dividends from evidences of indebtedness and securities of
7 this state and its political subdivisions, exempt from federal income
8 tax under the Internal Revenue Code of 1954 as amended to and in-
9 cluding January 1, 1974 1975, shall not be added.

1 SEC. 4. Sections one (1), two (2) and three (3) of this Act are effec-
2 tive for tax years beginning on or after January 1, 1974.

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 Urban-
3 dale News, a newspaper published in Urbandale, Iowa, and in the
4 Globe-Gazette, a newspaper published in Mason City, Iowa.

Approved February 14, 1975

I hereby certify that the foregoing Act, House File 56, was published in the Urbandale News, Urbandale, Iowa, February 20, 1975, and in the Globe-Gazette, Mason City, Iowa, February 19, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 207

INCOME TAX

H. F. 764

AN ACT relating to individual income tax rates and deductions and making the act retroactive.

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

1 SECTION 1. Section four hundred twenty-two point five (422.5), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 A tax is hereby imposed upon every resident of the state, and upon
5 that part of the taxable income of any nonresident which is derived
6 from any property, trust, or other source within this state, including
7 any business, trade, profession, or occupation carried on within this
8 state, which tax shall be levied, collected, and paid annually upon and
9 with respect to his entire taxable income as herein defined at rates as
10 follows:

11 1. On the first one thousand dollars of taxable income, or any part
12 thereof, ~~three-fourths~~ *one-half* of one percent.

13 2. On the second thousand dollars of taxable income, or any part
14 thereof, one and ~~one-half~~ *one-fourth* percent.

15 3. On the third thousand dollars of taxable income, or any part
16 thereof, ~~three two and three-fourths~~ percent.

17 4. On the fourth thousand dollars of taxable income, or any part
18 thereof, ~~four~~ *three and one-half* percent.

19 5. On the fifth, sixth, and seventh thousand dollars of taxable in-
20 come, or any part thereof, five percent.

21 6. On the eighth and ninth thousand dollars of taxable income, or
22 any part thereof, six percent.

- 23 7. On the tenth through the fifteenth thousand dollars of taxable
 24 income or any part thereof, seven percent.
 25 8. On the sixteenth through the twentieth thousand dollars of tax-
 26 able income or any part thereof, eight percent.
 27 9. On the twenty-first through the twenty-fifth thousand dollars
 28 of taxable income or any part thereof, nine percent.
 29 10. On the twenty-sixth through the thirtieth thousand dollars of
 30 taxable income or any part thereof, ten percent.
 31 11. On the thirty-first through the fortieth thousand dollars of
 32 taxable income or any part thereof, eleven percent.
 33 12. On the forty-first through the seventy-fifth thousand dollars of
 34 taxable income or any part thereof, twelve percent.
 35 13. On all taxable income over ~~nine~~ seventy-five thousand dol-
 36 lars, ~~seven~~ thirteen percent.

1 SEC. 2. Section four hundred twenty-two point nine (422.9), subsec-
 2 tion one (1), Code 1975, is amended to read as follows:

3 1. An optional standard deduction of ten percent of the net income
 4 after deduction of federal income tax, not to exceed five hundred dol-
 5 lars for a married person who files separately, or one thousand dol-
 6 lars for a single person or a husband and wife who file a joint
 7 return.

1 SEC. 3. Section four hundred twenty-two point nine (422.9), subsec-
 2 tion two (2), paragraph b, Code 1975, is amended to read as follows:

3 b. Add the amount of federal income taxes paid or accrued as the
 4 case may be, during the tax year, adjusted by any federal income tax
 5 refunds. Provided, however, that where married persons, who have
 6 filed a joint federal income tax return, file separately, such total shall
 7 be divided between them according to the portion thereof paid or ac-
 8 crued, as the case may be, by each; ~~and provided further that where a~~
 9 ~~taxpayer has used an optional standard deduction on his federal re-~~
 10 ~~turn, he shall use the optional standard deduction provided for above.~~

1 SEC. 4. The provisions of this Act shall be retroactive to January 1,
 2 1975, for all taxable years commencing on or after January 1, 1975, and
 3 to this extent the provisions of this Act are retroactive.

Approved July 16, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 208

PROBATE

S. F. 541

AN ACT relating to the probate code.

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

1 SECTION 1. Section four hundred twenty-two point twenty-seven
 2 (422.27), subsection one (1), Code 1975, is amended to read as follows:

3 1. No final account of a ~~fiduciary~~ *an executor, administrator, or*
 4 *trustee* shall be allowed by any court unless such account shows, and
 5 the judge of said court finds, that all taxes imposed by the provisions

6 of this division upon ~~said fiduciary~~ *the executor, administrator, or*
 7 *trustee*, which have become payable, have been paid, and that all tax-
 8 es which may become due are secured by bond, deposit or otherwise.
 9 The certificate of the director and the receipt for the amount of the tax
 10 therein certified shall be conclusive as to the payment of the tax to the
 11 extent of said certificate.

1 SEC. 2. Section six hundred thirty-three point three (633.3), subsec-
 2 tion eight (8), Code 1975, is amended to read as follows:

3 8. Costs of administration—includes court costs, fiduciary's fees, at-
 4 torney fees, all appraisers' fees, premiums on corporate surety bonds,
 5 statutory allowance for support of surviving spouse and children, cost
 6 of continuation of abstracts of title, recording fees, transfer fees, trans-
 7 fer taxes, agents' fees allowed by order of court, and all other fees and
 8 expenses allowed by order of court in connection with the administra-
 9 tion of the estate. *Court costs shall include expenses of selling prop-*
 10 *erty.*

1 SEC. 3. Section six hundred thirty-three point twenty-two (633.22),
 2 Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. 5. The approval, when notice has been waived by
 4 all persons interested, of petitions and reports, or joint petitions and
 5 reports, in respect to the sale, mortgage, pledge, lease or exchange of
 6 property pursuant to sections six hundred thirty-three point three
 7 hundred eighty-six (633.386) through six hundred thirty-three point
 8 four hundred (633.400) of the Code.

1 SEC. 4. Section six hundred thirty-three point twenty-three (633.23),
 2 Code 1975, is amended to read as follows:

3 **633.23 Clerk's actions reviewed.** Any person aggrieved by any
 4 order made or entered by the clerk under the powers conferred in sec-
 5 tion 633.22, *subsections one (1) through four (4)*, may have the same
 6 reviewed in court upon motion filed within six months or before the
 7 hearing on the final report of the fiduciary, whichever is the earlier,
 8 and upon such notice as ~~the court may prescribe~~ *provided in section*
 9 *six hundred thirty-three point forty (633.40) of the Code.*

1 SEC. 5. Section six hundred thirty-three point ninety-five (633.95),
 2 Code 1975, is amended to read as follows:

3 **633.95 Release of liens and mortgages.** Any fiduciary qualified
 4 under the laws of this state may, without prior order of court, release,
 5 ~~assign~~ or discharge, in whole or in part any mortgage, judgment or
 6 other lien held by the estate.

1 SEC. 6. Section six hundred thirty-three point three hundred four
 2 (633.304), Code 1975, is amended to read as follows:

3 **633.304 Notice of probate of will with administration.** On ad-
 4 mission of a will to probate, the executor shall, as soon as letters are is-
 5 sued, cause to be published once each week for two consecutive weeks
 6 in a daily or weekly newspaper of general circulation published in the
 7 county in which the estate is pending, a notice of admission of the will
 8 to probate and of the appointment of the executor, in which shall be
 9 included a notice that any action to set aside the probate of said will
 10 must be brought within ~~one year~~ *six months* from the date of the sec-
 11 ond publication of said notice or thereafter be forever barred, and
 12 there shall also be included therein a notice to debtors to make pay-
 13 ment, and to creditors having claims against said estate to file them
 14 with the clerk within six months from the second publication of said
 15 notice, or thereafter be forever barred.

16 Such notice shall be substantially in the following form:
 17 Notice of Probate of Will, of Appointment of Executor, and Notice
 18 to Creditors
 19 In the District Court of Iowa
 20 in and for County. Probate No.....
 21 In the Estate of....., Deceased
 22 To All Persons Interested in the Estate of
 23 , Deceased:

24 You are hereby notified that on the day of
 25 , 19....., the last will and testament of
 26 , deceased, bearing date of the..... day
 27 of....., 19....., was admitted to probate in the above
 28 named court and that..... was appointed executor
 29 of said estate. Any action to set aside said will must be brought in the
 30 district court of said county within ~~one year~~ *six months* from the date
 31 of the second publication of this notice, or thereafter be forever barred.

32 Notice is further given that all persons indebted to said estate are re-
 33 quested to make immediate payment to the undersigned, and creditors
 34 having claims against said estate shall file them with the clerk of the
 35 above named district court, as provided by law, duly authenticated, for
 36 allowance; and unless so filed within six months from the second pub-
 37 lication of this notice (unless otherwise allowed or paid) such claim
 38 shall thereafter be forever barred.

39 Dated this..... day of....., 19.....

40
 41
 42
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 46
 47
 48
 49
 50
 51
 52
 Address

.....
 Attorney for said executor

 Address

.....
 Date of second publication
 day of....., 19.....
 (Date to be inserted by publisher)

51 *This section is applicable to wills admitted to probate on or after*
 52 *July 1, 1975.*

1 SEC. 7. Section six hundred thirty-three point three hundred five
 2 (633.305), Code 1975, is amended to read as follows:

3 **633.305 Notice where no administration.** On admission of a
 4 will to probate without administration of the estate, and upon ad-
 5 vanced payment of the costs thereof by the proponent, the clerk shall
 6 cause to be published, in the manner prescribed in the preceding sec-
 7 tion, a notice of the admission of the will to probate in which shall be
 8 included a notice that any action to set aside said will must be brought
 9 within ~~one year~~ *six months* from the date of the second publication of
 10 said notice or thereafter be barred.

11 Such notice shall be substantially in the following form:
 12 Notice of Proof of Will
 13 Without Administration
 14 In the District Court of Iowa
 15 in and for County. Probate No.....
 16 In the Estate of....., Deceased
 17 To All Persons Interested in the Estate of
 18 , Deceased:

19 You are hereby notified that on the day of
 20, 19....., the last will and testament of.....
 21, deceased, bearing date of the.....
 22 day of....., 19....., was admitted to probate in the
 23 above named court and there will be no present administration of the
 24 estate. Any action to set aside said will must be brought in the district
 25 court of said county within ~~one year~~ *six months* from the date of the
 26 second publication of this notice or thereafter be forever barred.

27 Dated this day of, 19.....

28
 29 Clerk of the district court

30
 31 Attorney for said estate

32
 33 Address

34 Date of second publication
 35 day of, 19.....

36 (Date to be inserted by publisher)

37 *This section is applicable to wills admitted to probate on or after*
 38 *July 1, 1975.*

1 SEC. 8. Section six hundred thirty-three point three hundred nine
 2 (633.309), Code 1975, is amended to read as follows:

3 **633.309 Time within which action must be commenced.** An
 4 action to contest or set aside the probate of a will must be commenced
 5 in the court in which the will was admitted to probate within ~~one year~~
 6 *six months* from the date of second publication of notice of admission
 7 of such will to probate and not thereafter. *This section is applicable*
 8 *to wills admitted to probate on or after July 1, 1975.*

1 SEC. 9. Section six hundred thirty-three point three hundred thirty-
 2 two (633.332), Code 1975, is amended to read as follows:

3 **633.332 Exempt personal property.** When the decedent left a
 4 surviving spouse, all personal property, which in the hands of the decedent
 5 as head of a family would be exempt from execution, ~~after being~~
 6 ~~inventoried and appraised,~~ *shall be which is bequeathed or set aside*
 7 *to the surviving spouse, and in accordance with the provisions of this*
 8 *chapter, shall be exempt in the hands of such surviving spouse as in*
 9 *the hands of the decedent.*

1 SEC. 10. Section six hundred thirty-three point three hundred fifty-
 2 two (633.352), Code 1975, is amended to read as follows:

3 **633.352 Collection of rents and payment of taxes and charges.**
 4 Unless otherwise provided by the will, the personal representative shall
 5 collect the income from the property of which he has possession, pay
 6 the taxes and fixed charges thereon and apply the balance of such in-
 7 come to general estate obligations. Unless otherwise provided *by will,*
 8 any unexpended portion of such income shall become a part of the
 9 general assets of such estate.

1 SEC. 11. Section six hundred thirty-three point three hundred
 2 seventy-five (633.375), Code 1975, is amended to read as follows:

3 **633.375 Review of allowance to surviving spouse.** The court
 4 may, upon the petition of the spouse, or other person interested, and
 5 after hearing pursuant to notice to all interested parties, review such
 6 allowance and increase *or decrease* the same.

1 SEC. 12. Section six hundred thirty-three point four hundred thirty-
 2 seven (633.437), Code 1975, is amended to read as follows:

3 **633.437 Contrary provision as to abatement.** *If, upon applica-*
 4 *tion to the court by a fiduciary or a distributee, and after notice to*
 5 *all interested parties, the court finds it clear and convincing that*
 6 *the provisions of the will, the testamentary plan, or the express or the*
 7 *implied purpose of the devise would be defeated by the order of abate-*
 8 *ment stated in section 633.436, the court shall determine the order of*
 9 *abatement the shares of distributees shall abate in such other manner*
 10 *as may be found necessary to give effect to the intention of the testa-*
 11 *tor.*

1 SEC. 13. Section six hundred thirty-three point six hundred four-
 2 teen (633.614), Code 1975, is amended to read as follows:

3 **633.614 Application of other provisions to veterans' conserva-**
 4 **torships.** Whenever moneys are paid or are payable pursuant to any
 5 law of the United States through the veterans administration to a con-
 6 servator or a guardian, the provisions of sections 633.615 to ~~633.621~~ *six*
 7 *hundred thirty-three point six hundred twenty-two (633.622) of the*
 8 *Code shall apply to the administration of said moneys. However, such*
 9 *provisions shall be construed to be supplementary to the other provi-*
 10 *sions for conservators, and shall not be exclusive of such provisions.*

1 SEC. 14. Section six hundred thirty-three point six hundred twenty-
 2 two (633.622), Code 1975, is amended by striking the section and insert-
 3 ing in lieu thereof the following:

4 **633.622 Bond requirements.** In administering moneys paid by
 5 the veterans administration the conservator, unless it is a bank or trust
 6 company qualified to act as a fiduciary in this state, shall execute and
 7 file with the clerk a bond by a recognized surety company equal to
 8 such moneys and the annual income therefrom, plus the expected an-
 9 nual veterans administration benefit payments.

1 SEC. 15. Chapter six hundred thirty-three (633), division sixteen
 2 (XVI), Code 1975, is amended by adding the following new section:

3 **NEW SECTION. When power of attorney not affected by disabili-**
 4 **ty.** Whenever a principal designates another his attorney in fact or
 5 agent by a power of attorney in writing and the writing contains the
 6 words "This power of attorney shall not be affected by disability of the
 7 principal", or "This power of attorney shall become effective upon the
 8 disability of the principal", or similar words showing the intent of the
 9 principal that the authority conferred shall be exercisable notwith-
 10 standing his disability, the authority of the attorney in fact or agent is
 11 exercisable by him as provided in the power on behalf of the principal
 12 notwithstanding later disability or incapacity of the principal or later
 13 uncertainty as to whether the principal is dead or alive. All acts done
 14 by the attorney in fact or agent pursuant to the power during any peri-
 15 od of disability or incompetence or uncertainty as to whether the prin-
 16 cipal is dead or alive have the same effect and inure to the benefit of
 17 and bind the principal and his heirs, devisees and personal representa-
 18 tives as if the principal were alive, competent and not disabled. If a
 19 conservator thereafter is appointed for the principal, the attorney in
 20 fact or agent, during the continuance of the appointment, shall ac-
 21 count to the conservator rather than the principal, and the conservator
 22 shall have the power to revoke the power of attorney on behalf of the
 23 principal.

1 SEC. 16. Chapter six hundred thirty-three (633), division sixteen
 2 (XVI), Code 1975, is amended by adding the following new section:

3 **NEW SECTION. Other powers of attorney not revoked until notice**
 4 **of death or disability.**

5 1. The death, disability, or incompetence of any principal who has
6 executed a power of attorney in writing other than a power as de-
7 scribed by section fifteen (15) of this Act, does not revoke or terminate
8 the agency as to the attorney in fact, agent or other person who, with-
9 out actual knowledge of the death, disability, or incompetence of the
10 principal, acts in good faith under the power of attorney or agency.
11 Any action so taken, unless otherwise invalid or unenforceable, binds
12 the principal and his heirs, devisees, and personal representatives.

13 2. An affidavit, executed by the attorney in fact or agent stating
14 that he did not have, at the time of doing an act pursuant to the pow-
15 er of attorney actual knowledge of the revocation or termination of the
16 power of attorney, by death, disability or incompetence, is, in the ab-
17 sence of fraud, conclusive proof of the nonrevocation or nontermina-
18 tion of the power at that time. If the exercise of the power requires
19 execution and delivery of any instrument which is recordable, the affi-
20 davit when properly acknowledged is likewise recordable.

21 3. This section shall not be construed to alter or affect any provision
22 for revocation or termination contained in the power of attorney.

1 SEC. 17. Sections six hundred thirty-three point six hundred sixteen
2 (633.616), six hundred thirty-three point six hundred seventeen
3 (633.617), six hundred thirty-three point six hundred eighteen (633.618),
4 six hundred thirty-three point six hundred nineteen (633.619), six
5 hundred thirty-three point six hundred twenty (633.620), and six
6 hundred thirty-three point six hundred twenty-one (633.621), Code
7 1975, are repealed.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 209

CORPORATE INCOME TAX

H. F. 844

AN ACT relating to the filing of consolidated returns for corporation income tax purposes and making the act retroactive.

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

1 SECTION 1. Section four hundred twenty-two point thirty-two
2 (422.32), Code 1975, is amended by adding the following new subsec-
3 tions:

4 NEW SUBSECTION. The term "affiliated group" means a group of cor-
5 porations as defined in section one thousand five hundred four (1504)
6 (a) of the Internal Revenue Code of 1954.

7 NEW SUBSECTION. The term "unitary business" means a business car-
8 ried on partly within and partly without a state where the portion of
9 the business carried on within the state depends on or contributes to
10 the business outside the state.

1 SEC. 2. Section four hundred twenty-two point thirty-seven
2 (422.37), Code 1975, is amended by striking the section and inserting in
3 lieu thereof the following:

4 **422.37 Consolidated returns.** Any affiliated group of corpora-
5 tions may, not later than the due date for filing its return for the tax-
6 able year, including any extensions thereof, under rules to be
7 prescribed by the director, elect, and upon demand of the director shall
8 be required, to make a consolidated return showing the consolidated
9 net income of all such corporations and other information as the direc-
10 tor may require, subject to the following:

11 1. The affiliated group filing under this section shall file a consoli-
12 dated return for federal income tax purposes for the same taxable year.

13 2. All members of the affiliated group shall join in the filing of an
14 Iowa consolidated return to the extent they are subject to the tax im-
15 posed by section four hundred twenty-two point thirty-three (422.33) of
16 the Code or have operations which constitute a part of the unitary
17 business of one or more members which are subject to the Iowa tax.

18 3. Members of the affiliated group exempt from taxation by section
19 four hundred twenty-two point thirty-four (422.34) of the Code shall
20 not be included in a consolidated return.

21 4. All members of the affiliated group shall use the statutory meth-
22 od of allocation and apportionment unless the director has granted
23 permission to all members to use an alternative method of allocation
24 and apportionment.

25 5. Each member of the affiliated group shall consent to the filing by
26 specific written authorization at the time the consolidated return is
27 filed, unless the director requires the filing of a consolidated return.

28 6. The filing of a consolidated return for any taxable year shall re-
29 quire the filing of consolidated returns for all subsequent taxable years
30 so long as the filing taxpayers remain members of the affiliated group
31 unless the director determines that the filing of separate returns will
32 more clearly disclose the taxable incomes of each member of the affili-
33 ated group. This determination shall be made after specific request by
34 the taxpayer for the filing of separate returns.

35 7. The computation of consolidated taxable income for the members
36 of an affiliated group of corporations subject to tax shall be made in
37 the same manner and under the same procedures, including all inter-
38 company adjustments and eliminations, as are required for consolidat-
39 ing the incomes of affiliated corporations for the taxable year for
40 federal income tax purposes in accordance with section one thousand
41 five hundred two (1502) of the Internal Revenue Code of 1954.

1 SEC. 3. The provisions of this Act shall be retroactive to January 1,
2 1975, for tax years beginning on or after January 1, 1975 and to this
3 extent the provisions of this Act are retroactive.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 210

CORPORATION TAX ON SALES DELIVERED IN IOWA

H. F. 748

AN ACT relating to sales delivered within the state for corporation tax purposes.

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

1 SECTION 1. Section four hundred twenty-two point thirty-three
2 (422.33), subsection one (1), paragraph b, Code 1975, is amended to
3 read as follows:

4 b. Net income of the above class having been separately allocated
5 and deducted as above provided, the remainder of the net income of
6 the taxpayer shall be allocated and apportioned as follows:

7 Where income is derived from business other than the manufacture
8 or sale of tangible personal property, such income shall be specifically
9 allocated or equitably apportioned within and without the state under
10 rules of the director.

11 Where income is derived from the manufacture or sale of tangible
12 personal property, the part thereof attributable to business within the
13 state shall be in that proportion which the gross sales made within the
14 state bear to the total gross sales.

15 The gross sales of the corporation within the state shall be taken to
16 be the gross sales from goods delivered *or shipped to a purchaser* with-
17 in the state *regardless of the f.o.b. point or other conditions of the*
18 *sale*, excluding deliveries for transportation out of the state.

19 For the purpose of this section, the word "sale" shall include ex-
20 change, and the word "manufacture" shall include the extraction and
21 recovery of natural resources and all processes of fabricating and cur-
22 ing. The words "tangible personal property" shall be taken to mean
23 corporeal personal property, such as machinery, tools, implements,
24 goods, wares, and merchandise, and shall not be taken to mean money
25 deposits in banks, shares of stock, bonds, notes, credits, or evidence of
26 an interest in property and evidences of debt.

Approved June 3, 1975

CHAPTER 211

OXYGEN EXEMPTED FROM TAX

H. F. 38

AN ACT exempting the sale of medically prescribed oxygen from the sales and use tax.

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

1 SECTION 1. Section four hundred twenty-two point forty-five
2 (422.45), Code 1975, is amended by adding the following new subsec-
3 tion:

4 NEW SUBSECTION. Gross receipts from the sale of oxygen prescribed
5 by a licensed physician or surgeon, osteopath, or osteopathic physician
6 or surgeon for human use or consumption.

Approved July 15, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 212

TAX CREDITS

H. F. 182

AN ACT relating to the period in which claims for the military service tax exemption and the homestead tax credit may be audited.

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

1 SECTION 1. Section four hundred twenty-five point seven (425.7),
 2 subsection three (3), Code 1975, is amended to read as follows:
 3 3. Should the director of revenue determine, upon investigation,
 4 that any claim for homestead credit has been allowed by any board of
 5 supervisors which is not justifiable under the law and not substantiated
 6 by proper facts, the director may, at any time within ~~one year after~~
 7 ~~the receipt by the department of revenue of the certification of such~~
 8 ~~credit by any county treasurer twenty-four months from July first of~~
 9 ~~the year in which the claim is filed~~, set aside such allowance. Notice
 10 of such disallowance shall be given to the county auditor of the county
 11 in which such claim has been improperly granted and a written notice
 12 of such disallowance shall also be addressed to the claimant at his last
 13 known address. Such claimant, or the board of supervisors, may seek
 14 judicial review of the action of the director of revenue in accordance
 15 with the terms of the Iowa administrative procedure Act. In any case
 16 where a claim is so disallowed by the director of revenue and no peti-
 17 tion for judicial review is filed with respect to such disallowance, any
 18 amounts of credits allowed and paid from the homestead credit fund
 19 shall become a lien upon the property on which said credit was origi-
 20 nally granted, if still in the hands of the claimant, and not in the
 21 hands of a bona fide purchaser, and any amount so erroneously paid
 22 shall be collected by the county treasurer in the same manner as other
 23 taxes and such collections shall be returned to the department of reve-
 24 nue and credited to the homestead credit fund. The director of revenue
 25 shall also have the authority to institute legal proceedings against a
 26 homestead credit claimant for the collection of all payments made on
 27 such disallowed credits.

1 SEC. 2. Section four hundred twenty-six A point six (426A.6), Code
 2 1975, is amended to read as follows:
 3 **426A.6 Setting aside allowance.** Should the director of revenue
 4 determine, upon investigation, that any claim for military service tax
 5 exemption has been allowed by any board of supervisors which is not
 6 justifiable under the law and not substantiated by proper facts, the di-
 7 rector may, at any time within ~~one year after the receipt by the de-~~
 8 ~~partment of revenue of the certification of such exemption by any~~
 9 ~~county treasurer twenty-four months from July first of the year in~~
 10 ~~which the claim is filed~~, set aside such allowance. Notice of such dis-
 11 allowance shall be given to the county auditor of the county in which
 12 such claim has been improperly granted and a written notice of such
 13 disallowance shall also be addressed to the claimant at his last known
 14 address. Such claimant, or the board of supervisors, may seek judicial
 15 review of the action of the director of revenue in accordance with the
 16 terms of the Iowa administrative procedure Act. In any case, where a
 17 claim is so disallowed by the director of revenue and no petition for ju-
 18 dicial review is filed with respect to such disallowance, any amounts of
 19 credits allowed and paid from the military service tax credit fund shall
 20 become a lien upon the property on which said credit was originally
 21 granted, if still in the hands of the claimant, and not in the hands of a

22 bona fide purchaser, and any amount so erroneously paid shall be col-
 23 lected by the county treasurer in the same manner as other taxes and
 24 such collections shall be returned to the department of revenue and
 25 credited to the military service tax credit fund. The director of revenue
 26 shall also have the authority to institute legal proceedings against a
 27 military service tax exemption claimant for the collection of all pay-
 28 ments made on such disallowed exemptions.

Approved April 16, 1975

CHAPTER 213

REIMBURSEMENT FOR PROPERTY TAXES

S. F. 571

AN ACT relating to the reimbursement for property taxes paid and rent constituting property taxes paid by claimants.

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

1 SECTION 1. Section four hundred twenty-five point seventeen
 2 (425.17), subsections one (1), four (4), five (5), six (6), eight (8), and ten
 3 (10), Code 1975, are amended to read as follows:

4 1. "Income" means the sum of Iowa net income as defined in section
 5 422.7, plus all of the following to the extent not already included in
 6 Iowa net income: Capital gains, alimony, child support money, cash
 7 public assistance and relief, except property tax relief granted under
 8 this division, the gross amount of any pension or annuity, including
 9 but not limited to railroad retirement benefits, all payments received
 10 under the federal social security Act, and all military retirement and
 11 veterans' disability pensions, interest received from the state or federal
 12 government or any of its instrumentalities, workmen's compensation,
 13 and the gross amount of disability income or "loss of time" insurance;
 14 and that part of net worth considered as income under subsection 2.
 15 "Income" does not include gifts from nongovernmental sources, or sur-
 16 plus foods or other relief in kind supplied by a governmental agency.

17 4. "Household income" means all income of ~~all persons of the~~
 18 *claimant and the claimant's spouse in a household and actual mon-*
 19 *etary contributions received from any other household member dur-*
 20 *ing their respective twelve-month income tax accounting periods*
 21 *ending with or during the base year.*

22 5. "Homestead" means the dwelling *owned or rented and* actually
 23 used as a home by the claimant during all or part of the base year,
 24 ~~whether owned or rented,~~ and so much of the land surrounding it, not
 25 exceeding one acre, as is reasonably necessary for use of the dwelling
 26 as a home, and may consist of a part of a multidwelling or multipur-
 27 pose building and a part of the land upon which it is built. It does not
 28 include personal property except that a mobile home may be a home-
 29 stead. Any dwelling or a part of a multidwelling or multipurpose
 30 building which is exempt from taxation shall not qualify as a home-
 31 stead under the provisions of this division. A homestead must be locat-
 32 ed in this state.

33 6. "Claimant" means a person filing a claim for reimbursement un-
 34 der this division who has attained the age of sixty-five years on or be-
 35 fore December 31 of the base year, *or who is a surviving spouse*

36 *having attained the age of fifty-five years on or before December*
37 *thirty-first of the base year, or who is totally disabled and was totally*
38 *disabled on or before December 31 of the base year, and was domiciled*
39 *in this state during the entire base year and is domiciled in this state*
40 *at the time the claim is filed. "Claimant" includes a vendee in posses-*
41 *sion under a contract for deed and may include one or more joint ten-*
42 *ants or tenants in common. In the case of a claim for rent constituting*
43 *property taxes paid, the claimant shall have rented the property dur-*
44 *ing any part of the base year. When two persons of a household are*
45 *able to meet the qualifications for a claimant, they may determine be-*
46 *tween them who will be the claimant. If they are unable to agree, the*
47 *matter shall be referred to the director of revenue not later than July*
48 *31 of each year and his decision shall be final. If a homestead is occu-*
49 *ped by two or more persons, and more than one person is able to qual-*
50 *ify as a claimant, and some or all of the qualified persons are not*
51 *related, the persons may determine among them who will be the claim-*
52 *ant. If they are unable to agree, the matter shall be referred to the di-*
53 *rector of revenue not later than July 31 of each year and his decision*
54 *shall be final.*

55 8. "Rent constituting property taxes paid" means ~~twenty~~ *twenty-*
56 *five percent of the gross rent actually paid in cash or its equivalent*
57 *during the base year by the claimant or his the claimant's household*
58 *solely for the right of occupancy of their homestead in the base year,*
59 *and which rent constitutes the basis, in the succeeding year, of a claim*
60 *for reimbursement under this division by the claimant.*

61 10. "Property taxes paid" means property taxes, exclusive of special
62 assessments, delinquent interest, and charges for services, paid on a
63 claimant's homestead in this state, but includes only property taxes for
64 which the claimant ~~or a person of his household~~ was liable and which
65 were actually paid by the claimant ~~or a person of his household~~. If the
66 property taxes have actually been paid, they shall be deemed to have
67 been paid when due, regardless of the date of actual payment.
68 "Property taxes paid" shall be computed with no deduction for any
69 credit under this division or for any homestead credit allowed under
70 section 425.1. Claims for property tax reimbursement filed in 1974 shall
71 be based upon the property taxes paid in 1973. Claims for property tax
72 reimbursement filed in 1975 shall be limited to two-thirds of the prop-
73 erty taxes paid in 1974 and the first one-half of 1975. Each year there-
74 after, each claim shall be based upon the taxes paid during the base
75 year. If a homestead is owned by two or more persons as joint tenants
76 or tenants in common, and one or more persons are not a member of
77 claimant's household, "property taxes paid" is that part of property
78 taxes paid on the homestead which equals the ownership percentage of
79 the claimant and his household. The county treasurer shall include
80 with the tax receipt a statement that if the owner of the property is
81 sixty-five years of age or over or is totally disabled *or is a surviving*
82 *spouse of such person who is over the age of fifty-five years of age,*
83 *the person he may be eligible for the credit allowed under this divi-*
84 *sion. If a claimant changes his homestead, this shall not prevent him*
85 *from filing a claim based on property taxes for which the claimant ~~or a~~*
86 *person of his household was liable and which were actually paid by the*
87 *claimant ~~or a person of his household~~, but duplication of claims shall*
88 *not be allowed. If a homestead is an integral part of a farm, the claim-*
89 *ant may use the total property taxes paid for the larger unit, but not*
90 *exceeding forty acres of land. If a homestead is an integral part of a*
91 *multidwelling or multipurpose building the property taxes paid for the*
92 *purpose of this subsection shall be prorated to reflect the portion which*

93 the value of the property that the household occupies as its homestead
 94 is to the value of the entire structure. For purposes of this subsection,
 95 "unit" refers to that parcel of property covered by a single tax state-
 96 ment of which the homestead is a part.

1 SEC. 2. Section four hundred twenty-five point seventeen (425.17),
 2 Code 1975, is amended by striking subsection two (2).

1 SEC. 3. Section four hundred twenty-five point twenty-three
 2 (425.23), subsection one (1), Code 1975, is amended by striking para-
 3 graphs a and b and inserting in lieu thereof the following:

4 a. The amount shall be determined in accordance with the following
 5 schedule:

If the household income is:	Percent of property taxes paid or rent constituting property taxes paid allowed as a reimbursement:
10 \$ 0 - 999.99	100%
11 1,000 - 1,999.99	90
12 2,000 - 2,999.99	80
13 3,000 - 3,999.99	65
14 4,000 - 4,999.99	50
15 5,000 - 5,999.99	40
16 6,000 - 6,999.99	30
17 7,000 - 7,999.99	25

18 b. If the claim is for property taxes paid and the household income
 19 of the claimant is less than four thousand dollars, the alternative ten-
 20 tative reimbursement shall be one hundred twenty-five dollars, but not
 21 to exceed the amount of property taxes paid during the base year.

1 SEC. 4. Section four hundred twenty-five point twenty-six (425.26),
 2 subsection six (6), Code 1975, is amended to read as follows:

3 6. Household income and a statement of the claimant's net worth
 4 above thirty-five thousand dollars;

1 SEC. 5. The provisions of this Act shall become effective January 1,
 2 1976 for all claims for property taxes paid and rent constituting proper-
 3 ty taxes paid filed on or after January 1, 1976.

Approved June 30, 1975

CHAPTER 214

PROPERTY TAXES OF ELDERLY OR DISABLED

S. F. 78

AN ACT relating to claims for the reimbursement for property taxes paid by persons sixty-five years of age and older or totally disabled.

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

1 SECTION 1. Section four hundred twenty-five point nineteen
 2 (425.19), Code 1975, is amended to read as follows:

3 **425.19 Claim and reimbursement.** Subject to the limitations
 4 provided in this division, a claimant may annually claim a reimburse-
 5 ment for property taxes paid or rent constituting property taxes paid

6 in the base year. The amount of the reimbursement for property taxes
 7 paid for a homestead, after audit or certification by the director, shall
 8 be paid by joint payee check to the claimant and the treasurer of the
 9 county in which the homestead of the claimant is located, and the
 10 amount of the reimbursement for rent constituting property taxes paid
 11 shall be paid to the claimant only, from the state general fund on or
 12 before September 25 of each year commencing in 1974. If the amount
 13 of the reimbursement to the claimant and county treasurer exceeds the
 14 tax due from the claimant on or about October 1, the county treasurer
 15 shall credit the remainder of the reimbursement to be applied against
 16 property tax due from the claimant on or about April 1 of the next cal-
 17 endar year with any remaining excess to be paid by the county treasur-
 18 er to the claimant or his agent. However, the claimant for
 19 reimbursement for property taxes paid may designate on the claim
 20 at the time it is filed that the check for reimbursement for property
 21 taxes paid be made payable to the claimant and the county treasur-
 22 er of the county in which the homestead is located.

Approved February 28, 1975

CHAPTER 215

FARM EQUIPMENT TAX EXEMPTION

S. F. 313

AN ACT correcting the amount of the farm equipment tax exemption.

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

1 SECTION 1. Section four hundred twenty-seven point one (427.1),
 2 subsection sixteen (16), Code 1975, is amended to read as follows:
 3 16. Farm equipment—drays—tools. The farming utensils of any
 4 person who makes his livelihood by farming, the team, wagon, and
 5 harness of the teamster or drayman who makes his living by their use
 6 in hauling for others, and the tools of any mechanic, not in any case to
 7 exceed three hundred one thousand one hundred eleven dollars in
 8 taxable value.

Approved April 22, 1975

CHAPTER 216

MILITARY SERVICE TAX EXEMPTION

H. F. 811

AN ACT relating to the military service tax exemption and making the Act retroactive.

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

1 SECTION 1. Section four hundred twenty-seven point three (427.3),
 2 Code 1975, is amended by striking subsection four (4) and inserting in
 3 lieu thereof the following:

4 4. The property, not to exceed one thousand eight hundred fifty-two
 5 dollars in taxable value of any honorably separated, retired, fur-
 6 loughed to a reserve, placed on inactive status, or discharged soldier,
 7 sailor, marine, or nurse of the second World War from December 7,
 8 1941 to December 31, 1946, army of occupation in Germany November
 9 12, 1918, to July 11, 1923, American expeditionary forces in Siberia
 10 November 12, 1918, to April 30, 1920, second Nicaraguan campaign
 11 with the navy or marines in Nicaragua or on combatant ships
 12 1926-1933, second Haitian suppressions of insurrections 1919-1920, navy
 13 and marine operations in China 1937-1939 and Yangtze service with
 14 navy and marines in Shanghai or in the Yangtze Valley 1926-1927 and
 15 1930-1932 or of the Korean Conflict at any time between June 25, 1950,
 16 and January 31, 1955, both dates inclusive, or those who served on
 17 active duty during the Vietnam Conflict beginning August 5, 1964, and
 18 ending June 30, 1973, both dates inclusive, and as defined in section
 19 thirty-five C point two (35C.2) of the Code.

1 SEC. 2. The provisions of section one (1) of this Act shall be retroac-
 2 tive to January 1, 1975, and to this extent section one (1) of this Act is
 3 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 Marion
 3 County News, a newspaper published in Pleasantville, Iowa, and in
 4 the Sioux Rapids Bulletin-Press, a newspaper published in Sioux
 5 Rapids, Iowa.

Approved July 14, 1975

I hereby certify that the foregoing Act, House File 811, was published in the Marion County News, Pleasantville, Iowa, July 24, 1975, and in the Sioux Rapids Bulletin-Press, Sioux Rapids, Iowa, July 23, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 217

TAXATION OF ANNUITY PREMIUMS

H. F. 881

AN ACT relating to the taxation of individual retirement annuity premiums.

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

1 SECTION 1. Section four hundred thirty-two point one (432.1), sub-
 2 section one (1), unnumbered paragraph two (2), Code 1975, is amended
 3 to read as follows:

4 In determining the gross amount of premiums to be taxed hereunder,
 5 there shall be excluded all premiums received from policies or contracts
 6 issued in connection with a pension, annuity ~~or~~, profit sharing plan *or*
 7 *individual retirement annuity* qualified or exempt under sections
 8 401, 403, 404, *four hundred eight (408)*, or 501(a) of the federal Inter-
 9 nal Revenue Code as now or hereafter amended and all premiums re-
 10 turned to policyholders or annuitants during the preceding calendar
 11 year, except cash surrender values, all dividends that, during said
 12 year, have been paid in cash or applied in reduction of premiums or
 13 left to accumulate to the credit of policyholders or annuitants.

Approved June 6, 1975

CHAPTER 218

NOTICE OF PROPERTY VALUATION

S. F. 75

AN ACT relating to the date for notification of changes in valuation of property.

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 1975, is amended to read as follows:
 3 **441.23 Notice of valuation.** If there has been an increase or de-
 4 crease in the valuation of the property, or upon the written request of
 5 the person assessed, the assessor shall, at the time of making the assess-
 6 ment, inform the person assessed, in writing, of the valuation put upon
 7 his property, and notify him, if he feels aggrieved, to appear before
 8 the board of review and show why the assessment should be changed.
 9 The owners of real property shall be notified not later than April $\frac{1}{5}$ *fif-*
 10 *teenth* of any adjustment of the real property assessment.

Approved February 28, 1975

CHAPTER 219

ABSTRACTS OF ASSESSMENT

S. F. 109

AN ACT to eliminate reporting of nonessential items on abstracts of assessment.

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

- 1 SECTION 1. Section four hundred forty-one point forty-five (441.45),
 2 subsection four (4), Code 1975, is amended to read as follows:
 3 4. ~~An abstract as to the number and value of all animals as the~~
 4 ~~same are returned by the assessor, showing the aggregate taxable val-~~
 5 ~~ues and number of each kind of class, and such other~~ *Other* facts as
 6 may be required by the director of revenue.
- 1 SEC. 2. Section four hundred forty-one point forty-five (441.45),
 2 Code 1975, is amended by striking subsection five (5).

Approved February 28, 1975

CHAPTER 220
INHERITANCE TAXES

H. F. 206

AN ACT relating to deduction of debts and expenses for inheritance tax purposes.

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

1 SECTION 1. Section four hundred fifty point twelve (450.12), subsec-
2 tion one (1), Code 1975, is amended to read as follows:

3 1. From the estate of such decedent who at the time of his death was
4 domiciled within this state, there shall be deducted the debts owing by
5 the decedent at the time of his death, the local and state taxes due
6 from the estate in January of the year of his death, and federal taxes
7 owing by the decedent or paid from the estate on Iowa property, a rea-
8 sonable sum for funeral expenses, temporary allowance for the widow
9 ~~and children under fifteen years of age allowances as provided in sec-~~
10 ~~tions six hundred thirty-three point three hundred seventy-four~~
11 ~~(633.374), six hundred thirty-three point three hundred seventy-five~~
12 ~~(633.375), six hundred thirty-three point three hundred seventy-six~~
13 ~~(633.376) and six hundred thirty-three point three hundred seventy-~~
14 ~~seven (633.377) of the Code, and as granted by the probate court or~~
15 ~~judge thereof, court costs, the cost of appraisal made for the pur-~~
16 ~~pose of assessing the inheritance tax, the fee of executors, administra-~~
17 ~~tors, or trustees as allowed by order of court, the amount paid by the~~
18 ~~executor or administrator for a bond, the attorney fee in a reasonable~~
19 ~~amount to be approved by the court for the probate proceedings in said~~
20 ~~estate, the costs of the sale of real estate or personal property in the~~
21 ~~estate, including the real estate agent's commission, and expenses~~
22 ~~for abstracting, documentary stamps, and title correction expenses,~~
23 ~~and no other sum; provided, however, that the debt of such decedent~~
24 ~~owing for or secured by property outside of this state, shall not be de-~~
25 ~~ducted before estimating the tax, except when the property for which~~
26 ~~the debt is owing or by which it is secured is subject to the tax imposed~~
27 ~~by this chapter, or when the foreign debt exceeds the value of the~~
28 ~~property securing it or for which it was contracted, when the excess~~
29 ~~may be deducted, provided that satisfactory proof of the value of the~~
30 ~~foreign property and the amount of such debt is furnished to the direc-~~
31 ~~tor of revenue.~~

32 Said debts shall not be deducted unless the same are approved and
33 allowed by the court within eighteen months from the death of the de-
34 cedent, unless otherwise ordered by the judge or court of the proper
35 county.

Approved June 16, 1975

CHAPTER 221

INHERITANCE TAX

H. F. 230

AN ACT relating to uniformity of time limits in the inheritance and estate tax laws.

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

1 SECTION 1. Section four hundred fifty point thirty-five (450.35),
2 Code 1975, is amended to read as follows:

3 **450.35 Cancellation of lien.** If upon the hearing of objections to
4 the appraisement the court finds that the property is not subject to the
5 tax, the court shall upon expiration of time for appeal, when no ap-
6 peal has been taken, order the clerk to enter upon the lien book a can-
7 cellation of any claim or lien for taxes. If at the end of ~~twenty forty-~~
8 *five* days from the filing of the appraisement with the clerk, no objec-
9 tions are filed, the appraisement shall stand approved.

1 SEC. 2. Section four hundred fifty-one point six (451.6), Code 1975,
2 is amended to read as follows:

3 **451.6 Payment of tax.** The tax imposed by this chapter shall be
4 paid by the executor to the department of revenue within ~~eighteen fif-~~
5 *teen* months from the date of the death of such decedent, or in case
6 such decedent died more than ~~eighteen fifteen~~ months prior to April
7 12, 1929, then within six months after the effective date hereof.

Approved April 22, 1975

CHAPTER 222

INHERITANCE TAX

S. F. 418

AN ACT relating to payment and final returns of inheritance tax.

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

1 SECTION 1. Section four hundred fifty point fifty-three (450.53),
2 Code 1975, is amended to read as follows:

3 **450.53 Duty of executor to pay tax.** It is hereby made the duty
4 of all ~~executors, administrators, trustees, fiduciaries except guardians~~
5 *and conservators* or other persons charged with the management or
6 settlement of any estate ~~subject to the tax provided for in or trust~~
7 *from which a tax is due under this chapter, to collect file a final in-*
8 *heritance tax return with a copy of any federal estate tax return*
9 *and other documents required by the director which may reasonably*
10 *tend to prove the amount of tax due, and pay to the department of*
11 *revenue the amount of the tax due from any devisee, grantee, donee,*
12 *heir, or beneficiary of the decedent, except in cases where payment of*
13 *the tax is deferred until the determination of a prior estate, in which*
14 *cases the department of revenue shall collect the same owner of the fu-*
15 *ture interest shall file a supplemental final inheritance tax return*
16 *and pay to the department of revenue the tax due. The final inheri-*
17 *tance tax returns shall be in the form prescribed by the director.*

Approved April 28, 1975

CHAPTER 223

FINANCE CHARGE DEFINED

S. F. 308

AN ACT relating to the definition of finance charge in consumer credit transactions and providing an exception thereto.

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

1 SECTION 1. Section five hundred thirty-seven point one thousand
2 three hundred one (537.1301), subsection twenty (20), paragraph a, sub-
3 paragraph one (1), Code 1975, is amended to read as follows:

4 (1) Interest or any amount payable under a point, discount or other
5 system of charges, however denominated, except that, with respect to a
6 consumer loan secured by a first lien on a dwelling of the debtor given
7 to finance the acquisition of that dwelling, points, consisting of a
8 charge paid in cash at the time of commitment or closing of a loan
9 transaction, *or, with respect to a consumer credit sale of goods or*
10 *services, a cash discount of five percent or less of the stated price of*
11 *goods or services which is offered to the consumer for payment by*
12 *cash, check or the like either immediately or within a period of*
13 *time, shall not be part of the finance charge for the purpose of deter-*
14 *mining maximum charges pursuant to section 537.2401 and chapters*
15 *524, 534, and 535. A cash discount permitted by this subparagraph*
16 *shall not be considered part of the finance charge for the purpose of*
17 *determining compliance with Truth in Lending pursuant to section*
18 *five hundred thirty-seven point three thousand two hundred one*
19 *(537.3201) of the Code if it is properly disclosed as required by the*
20 *Truth in Lending Act as amended to and including October 28,*
21 *1975 and regulations issued pursuant to that Act as so amended*
22 *prior to October 28, 1975.*

1 SEC. 2. The provisions of this Act shall become effective October
2 28, 1975.

Approved July 3, 1975

CHAPTER 224

CIVIL SERVICE

H. F. 679

AN ACT relating to the final return, payment and refund, and appeal procedures for the state inheritance tax.

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

1 SECTION 1. Section four hundred fifty point ninety-four (450.94),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **450.94 Final return—determination—appeal.**

5 1. "Taxpayer" as used in this section means a person liable for the
6 payment of tax as stated in section four hundred fifty point five
7 (450.5) of the Code.

8 2. The taxpayer shall file a final inheritance tax return on forms to
9 be prescribed by the director of revenue. When a final inheritance tax
10 return is filed, the department shall examine it and determine the cor-
11 rect amount of tax. If the amount paid is less than the correct amount
12 due, the department shall notify the taxpayer of the total amount due
13 together with any interest thereon, which shall be a sum certain if paid
14 on or before the last day of the month in which the notice is post-
15 marked, or on or before the last day of the following month if the no-
16 tice is postmarked after the twentieth day of a month and before the
17 first day of the following month.

18 3. If the amount paid is greater than the correct tax and interest
19 due, the department shall refund the excess, with interest after sixty
20 days from the date of payment at six percent per annum, under the
21 provisions of rules as may be prescribed by the director. However, the
22 director shall not allow a claim for refund or credit that has not been
23 filed with the department within five years after the tax payment
24 upon which a refund or credit is claimed becomes due, or one year af-
25 ter the tax payment was made, whichever time is the later. A determi-
26 nation by the department of the amount of tax due, or the amount of
27 refund for excess tax paid, shall be final unless the estate, trust, heir,
28 beneficiary, transferee or other person aggrieved by the determination
29 appeals to the director for a revision of the determination within nine-
30 ty days from the postmark date of the notice of determination of tax
31 due or refund owing. The director shall grant a hearing, and upon the
32 hearing the director shall determine the correct tax or refund due, and
33 notify the appellant of the decision by certified mail. The decision of
34 the director shall be final unless the appellant seeks judicial review of
35 the director's decision under section four hundred fifty point fifty-nine
36 (450.59) of the Code within sixty days after the postmark date of the
37 notice of the director's decision.

1 SEC. 2. Section four hundred fifty point fifty-nine (450.59), Code
2 1975, is amended to read as follows:

3 **450.59 Jurisdiction of court Judicial review.** *The Judicial*
4 *review of a decision of the director may be sought under the Iowa*
5 *Administrative Procedure Act, except that the petition may be filed*
6 *in the district court in the county in which some part of the property is*
7 *situated, or if the decedent who was not a resident, or such court in the*
8 *county of which the deceased was a resident at the time of his death or*
9 *where such estate is administered; shall have jurisdiction to hear and*
10 *determine all questions regularly brought before it in relation to said*
11 *tax that may arise affecting any devise, legacy, annuity, transfer,*
12 *grant, gift, or inheritance, subject to appeal as in other cases.*

Approved June 3, 1975

CHAPTER 225

AUDITOR'S INVESTMENT REPORTS

S. F. 189

AN ACT relating to investment reports submitted to the auditor of state.

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

1 SECTION 1. Section four hundred fifty-three point thirteen (453.13),
 2 Code 1975, is amended to read as follows:
 3 **453.13 Investment report to state auditor.** The treasurer, or
 4 other financial officer designated by the governing body, of each polit-
 5 ical subdivision except townships shall submit an investment report to
 6 the auditor of state on forms provided within fifteen days following
 7 the close of each fiscal year of the political subdivision. The report
 8 shall be comprised of the following information, all of which shall re-
 9 late to the previous ~~calendar~~ *fiscal* year: Total demand deposits
 10 placed in depositories; total funds invested; description and disposi-
 11 tion of investments; dates of investment; rates of interest earned or re-
 12 turn on the investments; and such other information as the auditor of
 13 state may reasonably require pertaining to public funds.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 226

LEVEE AND DRAINAGE IMPROVEMENTS

S. F. 475

AN ACT relating to the maximum deposit required for bids to construct levee or drainage dis-
 trict improvements.

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

1 SECTION 1. Section four hundred fifty-five point forty-two (455.42),
 2 Code 1975, is amended to read as follows:
 3 **455.42 Manner of making bids—deposit.** Each bid shall be in
 4 writing, specifying the portion of the work upon which the bid is made,
 5 and filed with the auditor, accompanied with a deposit of cash or a
 6 certified check on and certified by a bank in Iowa, payable to the audi-
 7 tor or his order at his office in a sum equal to ten percent of the
 8 amount of the bid, but in any event not to exceed ten thousand dol-
 9 lars. *However, if the maximum limit on bid deposits would cause a*
 10 *denial of funds or services from the federal government which*
 11 *would otherwise be available, or if the maximum limit would other-*
 12 *wise be inconsistent with the requirements of federal law, the maxi-*
 13 *imum limit may be suspended to the extent necessary to prevent*
 14 *denial of federal funds or services or to eliminate the inconsistency*
 15 *with federal requirements.* The checks of unsuccessful bidders shall be
 16 returned to them, but the checks of successful bidders shall be held as a
 17 guarantee that they will enter into contract in accordance with their
 18 bids.

- 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 Dysart
 3 Reporter, a newspaper published in Dysart, Iowa, and in The Chariton
 4 Leader, a newspaper published in Chariton, Iowa.

Approved May 30, 1975

I hereby certify that the foregoing Act, Senate File 475, was published in The Chariton Leader, Chariton, Iowa, June 3, 1975, and in The Dysart Reporter, Dysart, Iowa, June 5, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 227

SEWAGE WORKS CONSTRUCTION

S. F. 149

AN ACT relating to an appropriation from the general fund of the state to sewage works treatment construction fund.

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

- 1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand seventy-two (1072), section two (2), is amended
 3 by striking the section and inserting in lieu thereof the following:

- 4 Sec. 2. Notwithstanding the provisions of section eight point thirty-
 5 three (8.33) of the Code, all unencumbered or unobligated balances of
 6 appropriations made by this Act shall, on June 30, 1978, revert to the
 7 state treasury and to the credit of the fund from which appropriated.

- 1 SEC. 2. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand seventy-two (1072), section three (3), is amended
 3 to read as follows:

- 4 Sec. 3. It is the intent of the general assembly that the state will
 5 continue to provide an amount equal to five percent of the estimated
 6 eligible cost of eligible sewage treatment works; however each individu-
 7 al sewage treatment work must be approved item by item by future
 8 general assemblies.

- 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 Quad-
 3 City Times, a newspaper published in Davenport, Iowa, and in The
 4 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa.

Approved February 28, 1975

I hereby certify that the foregoing Act, Senate File 149, was published in the Quad-City Times, Davenport, Iowa, March 6, 1975, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 6, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 228

SOLID WASTE DISPOSAL

S. F. 419

AN ACT relating to the planning and implementation of resource recovery systems.

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

1 SECTION 1. Section four hundred fifty-five B point seventy-five
2 (455B.75), Code 1975, is amended by adding the following new subsec-
3 tion:

4 NEW SUBSECTION. "Resource recovery system" means the recovery
5 and separation of ferrous metals and nonferrous metals and glass and
6 aluminum and the preparation and burning of solid waste as fuel for
7 the production of electricity.

1 SEC. 2. Section four hundred fifty-five B point eighty (455B.80),
2 Code 1975, is amended to read as follows:

3 **455B.80 Plans filed.** Every city, county and every private agen-
4 cy operating or planning to operate a sanitary disposal project shall
5 file with the executive director a plan detailing the method by which
6 the city, county or private agency will comply with the provisions of
7 this part 1 of division IV. The executive director shall review each plan
8 submitted and may reject, suggest modification, or approve the pro-
9 posed plan. The executive director shall aid in the development of
10 plans for compliance with the provisions of said part. The executive di-
11 rector shall make available to each city, county and private agency ap-
12 propriate forms for the submission of plans and may hold hearings for
13 the purpose of implementing the provisions of said part. *The executive*
14 *director and governmental agencies with primary responsibility for*
15 *the development and conservation of energy resources shall provide*
16 *research and assistance, when cities and counties operating or plan-*
17 *ning to operate sanitary disposal projects request aid in planning*
18 *and implementing resource recovery systems.*

Approved June 3, 1975

CHAPTER 229

SOIL CONSERVATION

H. F. 54

AN ACT changing the manner of election of soil conservation district commissioners, and relating to the statutory provisions for establishment of soil conservation districts and for filling certain nonpartisan offices at the general election.

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

1 SECTION 1. Section four hundred sixty-seven A point three (467A.3),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. "District" or "soil conservation district" means a governmental
4 subdivision of this state, and a public body corporate and politic, orga-
5 nized ~~in accordance with the provisions of this chapter~~, for the pur-
6 poses, with the powers, and subject to the restrictions hereinafter set
7 forth.

1 SEC. 2. Section four hundred sixty-seven A point four (467A.4), sub-
2 section four (4), paragraphs a, b, c, e and f, Code 1975, are amended to
3 read as follows:

4 a. To offer such assistance as may be appropriate to the commission-
5 ers of soil conservation districts, ~~organized as provided hereinafter, and~~
6 ~~in the carrying out of any of their powers and programs.~~

7 b. To keep the commissioners of each of the several districts ~~orga-~~
8 ~~nized under the provisions of this chapter~~ informed of the activities
9 and experience of all other districts ~~organized hereunder~~, and to facili-
10 tate an interchange of advice and experience between such districts and
11 cooperation between them.

12 c. To co-ordinate the programs of the several soil conservation dis-
13 tricts ~~organized hereunder~~ so far as this may be done by advice and
14 consultation.

15 e. To disseminate information throughout the state concerning the
16 activities and program of the soil conservation districts ~~organized here-~~
17 ~~under, and to encourage the formation of such districts in areas where~~
18 ~~their organization is desirable.~~

19 f. To render financial aid and assistance to soil conservation districts
20 ~~organized hereunder~~ for the purpose of carrying out the policy stated
21 in this chapter.

1 SEC. 3. Section four hundred sixty-seven A point five (467A.5),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **467A.5 Soil conservation districts.**

5 1. The one hundred soil conservation districts established in the
6 manner which was prescribed by law prior to July 1, 1975 shall contin-
7 ue in existence with the boundaries and the names in effect on July 1,
8 1975. If the existence of any district so established is discontinued pur-
9 suant to section four hundred sixty-seven A point ten (467A.10) of the
10 Code, a petition for reestablishment of the district or for annexation of
11 the former district's territory to any other abutting district may be sub-
12 mitted to, and shall be acted upon by, the state soil conservation com-
13 mittee in substantially the manner provided by section four hundred
14 sixty-seven A point five (467A.5) Code 1975.

15 2. The governing body of each district shall consist of five commis-
16 sioners elected on a nonpartisan basis for staggered six-year terms com-
17 mencing on the first day of January that is not a Sunday or holiday
18 following their election. Any eligible elector residing in the district is
19 eligible to the office of commissioner, except that no more than one
20 commissioner shall at any one time be a resident of any one township.
21 A vacancy is created in the office of any commissioner who changes his
22 residence into a township where another commissioner then resides. A
23 vacancy in the office of commissioner shall be filled by appointment of
24 the state soil conservation committee until the next succeeding general
25 election, at which time the balance of the unexpired term shall be
26 filled as provided by section sixty-nine point twelve (69.12) of the
27 Code.

28 3. At each general election a successor shall be chosen for each com-
29 missioner whose term will expire in the succeeding January. Nomina-
30 tion of candidates for the office of commissioner shall be made by
31 petition in accordance with chapter forty-five (45) of the Code, except
32 that each candidate's nominating petition shall be signed by at least
33 twenty-five eligible electors of the district. The petition form shall be
34 furnished by the county commissioner of elections. Every candidate
35 shall file with the nomination papers an affidavit stating his name, his

36 residence, that he is a candidate and is eligible for the office of com-
37 missioner, and that if elected he will qualify for the office. An eligible
38 elector shall not in any one year sign the nominating petitions of a
39 number of candidates greater than the number of commissioners to be
40 elected in that year. The signed petitions shall be filed with the county
41 commissioner of elections not later than five o'clock p.m. on the fifty-
42 fifth day prior to the general election. The votes for the office of dis-
43 trict commissioner shall be canvassed in the same manner as the votes
44 for county officers, and the returns shall be certified to the commis-
45 sioners of the district. A plurality shall be sufficient to elect commis-
46 sioners, and no primary election for the office shall be held. If the
47 canvass shows that the two candidates receiving the highest and the
48 second highest number of votes for the office of district commissioner
49 are both residents of the same township, the board shall certify as
50 elected the candidate who received the highest number of votes for the
51 office and the candidate receiving the next highest number of votes for
52 the office who is not a resident of the same township as the candidate
53 receiving the highest number of votes.

54 4. This subsection shall apply during the period of transition from
55 the former method of electing district commissioners to that prescribed
56 by this Act, which is the period from July 1, 1975 until December 31,
57 1982, and the subsection shall not appear in any edition of the Code
58 published after July 1, 1982.

59 a. Each commissioner elected to office for a term of six years which
60 commenced after January 1, 1975, or who is serving a term which, ex-
61 cept for this Act, would have expired after July 1, 1975 but not later
62 than December 31, 1976 shall hold office until noon on the first day of
63 January, 1977 that is not a Sunday or holiday, and a successor shall be
64 elected at the general election in 1976. However, if a commissioner
65 elected for a term of six years which commenced after January 1, 1975
66 certifies in writing to the state soil conservation committee that he is
67 willing and anticipates being able to serve until noon on the first day
68 of January, 1983 that is not a Sunday or holiday, his term shall be ex-
69 tended to that date and a successor shall be elected at the general elec-
70 tion in 1982.

71 b. Each commissioner serving a term which, except for this Act,
72 would have expired after January 1, 1977 but not later than December
73 31, 1978 shall hold office until noon on the first day of January, 1979
74 that is not a Sunday or holiday, and a successor shall be elected at the
75 general election in 1978.

76 c. Each commissioner serving a term which, except for this Act,
77 would have expired after January 1, 1979 but not later than December
78 31, 1980 shall hold office until noon on the first day of January, 1981
79 that is not a Sunday or holiday, and a successor shall be elected at the
80 general election in 1980.

1 SEC. 4. Section four hundred sixty-seven A point six (467A.6), un-
2 numbered paragraph one (1), Code 1975, is amended by striking the
3 unnumbered paragraph and inserting in lieu thereof the following:

4 The commissioners of each soil conservation district shall convene on
5 the first day of January that is not a Sunday or holiday in each odd-
6 numbered year. Those commissioners whose term of office begins on
7 that day shall take the oath of office prescribed by section sixty-three
8 point ten (63.10) of the Code. The commissioners shall then organize
9 by election of a chairman and a vice chairman.

1 SEC. 5. Chapter thirty-nine (39), Code 1975, is amended by adding
2 the following new section:

- 3 NEW SECTION. **General election—nonpartisan offices.** There shall
 4 be elected at each general election, on a nonpartisan basis, the follow-
 5 ing officers:
 6 1. Regional library trustees as required by section* three hundred
 7 three B (303B) of the Code.
 8 2. County public hospital trustees as required by section three
 9 hundred forty-seven point twenty-five (347.25) of the Code.
 10 3. Soil conservation district commissioners as required by section
 11 four hundred sixty-seven A point five (467A.5) of the Code.

Approved April 28, 1975

*According to enrolled Act

CHAPTER 230

CATWALKS ON RAILWAY BRIDGES

H. F. 205

AN ACT requiring any person operating a railroad in this state to construct and maintain catwalks and handrails on railway bridges and trestles.

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

- 1 SECTION 1. Chapter four hundred seventy-four (474), Code 1975, is
 2 amended by adding the following new section:
 3 NEW SECTION. **Catwalks and handrails.** Any person operating a
 4 railroad in this state shall construct and maintain in good repair a cat-
 5 walk and handrail on at least one side of every railway bridge and tres-
 6 tle which shall be constructed, or the structure of which is renovated in
 7 any manner, after January 1, 1976. The catwalk and handrail shall ex-
 8 tend the length of the bridge or trestle.

Approved March 14, 1975

CHAPTER 231

RAILROAD ASSISTANCE

H. F. 433

AN ACT relating to the establishment and administration of a railroad assistance fund for improvement of branch line railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way.

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

- 1 SECTION 1. NEW SECTION. **Railroad assistance fund estab-**
 2 **lished.** There is established a railroad assistance fund in the office of
 3 the treasurer of state. Moneys in this fund shall be expended for pro-
 4 viding assistance to railroads for upgrading railroad roadbeds, track,
 5 track structure, and other appurtenances of railroad right-of-way of

6 railroad branch lines. Any unencumbered funds appropriated pursuant
7 to Acts of the Sixty-fifth General Assembly, 1974 Session, chapter one
8 thousand one hundred thirteen (1113), section thirteen (13), or other
9 funds appropriated by the general assembly for branch line railroad as-
10 sistance shall be deposited in the railroad assistance fund. Any moneys
11 received by the energy policy council or the state department of trans-
12 portation by agreements, grants, gifts, or other means from individu-
13 als, companies or other business entities, or political subdivisions of the
14 state for the purposes set forth for the fund established pursuant to this
15 section shall be credited to the railroad assistance fund.

1 SEC. 2. NEW SECTION. **Assistance agreements.** The energy poli-
2 cy council and, after the transfer of its duties pursuant to section seven
3 (7) of this Act the director of transportation with the approval of the
4 state transportation commission, may enter into agreements with rail-
5 roads, the United States government, individuals, companies or other
6 business entities, or political subdivisions of the state for carrying out
7 the purposes of this Act. Agreements entered into between the energy
8 policy council or the director of transportation and railroad companies
9 pursuant to this section may require payment by the railroad of a por-
10 tion of increased revenue derived from the improved branch line into
11 the railroad assistance fund.

1 SEC. 3. NEW SECTION. **Federal funds.** The energy policy council
2 and the state transportation commission may accept federal funds to
3 carry out the provisions of this Act. All federal funds received under
4 the provisions of this Act are appropriated for the purposes set forth in
5 the federal grants.

1 SEC. 4. NEW SECTION. **Railroad accounts.** Agreements between
2 the railroad companies and the energy policy council or the state de-
3 partment of transportation which do not require payment of a portion
4 of the increased revenue derived from the improved branch line rail-
5 road to be paid by the railroad to the railroad assistance fund shall re-
6 quire that the railroad establish and maintain a separate railroad
7 company fund to which a specified portion of the increase in revenue
8 derived from the improved railroad branch line shall be credited and
9 that these funds shall be used by the railroad for improvement of
10 branch line railroad roadbed, track, track structure, and other appurte-
11 nances of railroad right-of-way within the state. The terms and condi-
12 tions governing the use of moneys in the special railroad company
13 fund shall be stipulated in the agreement. The agreement shall also
14 stipulate a penalty for use of the funds in a manner other than as set
15 forth in the agreement.

1 SEC. 5. NEW SECTION. **County funds.** The board of supervisors of
2 a county may with the approval of the energy policy council, and after
3 the transfer of its duties pursuant to section seven (7) of this Act, with
4 the approval of the director of transportation, appropriate funds from
5 the county general fund to the railroad assistance fund. The money
6 shall be used in accordance with this Act only for upgrading railroad
7 property within the county providing the funds. In any year the
8 amount of money transferred to the railroad assistance fund by a coun-
9 ty shall not exceed the amount of property taxes levied against the
10 railroad property within the county.

1 SEC. 6. NEW SECTION. **No reversion of funds.** Moneys deposited
2 in the railroad assistance fund shall not be subject to sections eight
3 point thirty-three (8.33) and eight point thirty-nine (8.39) of the Code.

1 SEC. 7. NEW SECTION. **Transfer of duties.** The administration of
 2 the railroad assistance fund shall be transferred from the energy policy
 3 council to the state department of transportation not later than July 1,
 4 1976. All agreements for railroad assistance entered into by the energy
 5 policy council with railroads and other persons pursuant to section
 6 ninety-three point nine (93.9) of the Code or this Act shall be carried
 7 out by the state department of transportation.

1 SEC. 8. Acts of the Sixty-fifth General Assembly, 1974 Session,
 2 chapter one thousand one hundred thirteen (1113), section fourteen
 3 (14), is repealed.

Approved April 8, 1975

CHAPTER 232

RAILROAD GRADE CROSSINGS

H. F. 904

AN ACT relating to the railroad grade crossings on public highways and increasing funds allocated for such purposes.

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

1 SECTION 1. Section four hundred seventy-eight point twenty-one
 2 (478.21), Code 1975, is amended to read as follows:

3 **478.21 Railway and highway crossing at grade.** Where-ever*
 4 a railway track crosses or shall hereafter cross a highway, street or alley,
 5 the railway company owning such track and the highway division of
 6 the department of transportation, in the case of primary highways, the
 7 board of supervisors of the county in which such crossing is located, in
 8 the case of secondary roads, or the council of the city, in the case of
 9 streets and alleys located within a city, may agree upon the location
 10 and manner of crossing, or crossing protection, or upgrading thereof, or
 11 upon a separation of grades so as to carry such highway over or under
 12 the railway track, and upon any change, alteration, vacation or reloca-
 13 tion of such highway, street or alley, and upon repairs, alteration, or
 14 elimination of any crossing, and upon the expense each party shall
 15 pay for such changes, except that if flasher light or gate signals are or-
 16 dered *or agreed to be* installed prior to July 1, 1973, the maintenance
 17 thereof shall be assumed by the railroad and if *the installation of*
 18 flasher light or gate signals ~~are~~ *is* ordered *or agreed to be* installed on
 19 or after July 1, 1973, the maintenance thereof shall be assumed equally
 20 by the railroad and *upon the approval of the department* the grade
 21 crossing safety fund; ~~provided, however, the grade crossing safety~~
 22 ~~fund.~~ *The department* shall not expend more than four hundred fifty
 23 dollars for any one crossing in any one year *from the grade crossing*
 24 *fund*; provided, however, nothing in this section limits the provisions
 25 of section 364.8.

1 SEC. 2. Section four hundred seventy-eight point twenty-two
 2 (478.22), Code 1975, is amended to read as follows:

3 **478.22 Disagreement—application—notice.** If the railway com-
 4 pany and said highway authorities cannot agree upon the changes to
 5 be made, either party may make written application to the *transporta-*

*According to enrolled Act

6 *tion regulation board of the department, setting forth the changes*
 7 *and alterations desired, and said department shall fix a date for hear-*
 8 *ing and give the other party ten days' written notice by mail of such*
 9 *date. Nothing in this section shall be construed to prohibit either*
 10 *party from filing written application with the department prior to*
 11 *any disagreement. The department shall promulgate rules, pursuant*
 12 *to chapter seventeen A (17A) of the Code, for processing applica-*
 13 *tions which are filed with the department prior to a written dis-*
 14 *agreement. The transportation regulation board may set a hearing*
 15 *date after the disagreement has been filed.*

1 SEC. 3. Section four hundred seventy-eight point twenty-three
 2 (478.23), Code 1975, is amended to read as follows:

3 **478.23 Hearing—order.** The department shall hear and deter-
 4 mine such application the evidence of each party to the controversy,
 5 taking into consideration the necessity of such changes and the expense
 6 thereof, the location of any crossing or crossing protection and the
 7 manner in which it shall be constructed and maintained, or whether a
 8 crossing is to be eliminated and the provisions therefor, and may make
 9 such order in relation thereto as shall be equitable, including authority
 10 to condemn and take additional land for such purposes when neces-
 11 sary, and shall determine a solution to the controversy including
 12 what portion of the expense shall be paid by any party to such contro-
 13 versy. In determining what portion of the expense shall be paid by
 14 each party to such controversy the department may consider the ratio
 15 of the benefits accruing to the railroad or the governmental unit or
 16 both as it bears to the general public use and benefit and such benefits
 17 shall be consistent with the standards adopted for similar purposes by
 18 the United States bureau of public roads federal highway administra-
 19 tion under the federal aid highway Act of 1944 1973 as amended.

1 SEC. 4. Section four hundred seventy-eight point twenty-six
 2 (478.26), Code 1975, is amended to read as follows:

3 **478.26 Use of fund.** When application is before the department,
 4 as provided in section 478.22, and after hearing has been held, and de-
 5 termination as to allocation of costs as provided in section 478.23 the
 6 department is hereby empowered to allocate proceeds from the high-
 7 way grade crossing safety fund for the protection of the public in the
 8 use of the highway railroad grade crossings involved in the applica-
 9 tion, in addition to any portion of the cost to be paid by the railroad
 10 company or other public authority. Upon reaching a decision as to the
 11 amount to be allocated from the highway grade crossing safety fund,
 12 and the completion of installation of required crossing protection to
 13 the satisfaction of the department, the department shall forthwith di-
 14 rect the treasurer of state to distribute said amount from the funds
 15 then available in the highway grade crossing safety fund. Provided,
 16 however, the department may not allocate any part of the proceeds of
 17 the highway grade crossing safety fund for improvement or construc-
 18 tion of highway railroad grade crossings located on federal or federal
 19 aid highways unless the department determines that due to the record
 20 of fatalities at a crossing as maintained by the department of public
 21 safety or that a potentially dangerous grade crossing exists within a
 22 city, allocation of a part of the fund is necessary to protect the public.

1 SEC. 5. Section three hundred twelve point two (312.2), subsection
 2 five (5), Code 1975, is amended to read as follows:

3 5. The treasurer of state shall before making the above allotments
 4 credit annually to the highway grade crossing safety fund the sum of

5 ~~two~~ *five* hundred ~~forty~~ thousand dollars, credit annually to the primary road fund the sum of one million four hundred thousand dollars for carrying out subsection 12 of section 307A.2, the last paragraph of section 313.4 and section 307A.5, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the ~~secondary and urban road departments of the commission~~ *state department of transportation* other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 233

PROFESSIONAL CORPORATIONS

S. F. 123

AN ACT relating to the inclusion of nursing and pharmacy within the definition of profession for purposes of the Iowa professional corporation Act.

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

1 SECTION 1. Section four hundred ninety-six C point two (496C.2),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. "Profession" means the profession of certified public accountancy,
4 architecture, chiropractic, dentistry, professional engineering, land surveying,
5 landscape architecture, law, medicine and surgery, optometry,
6 osteopathy, osteopathic medicine and surgery, podiatry, ~~or~~ veterinary
7 medicine, *pharmacy and the practice of nursing*.

Approved March 18, 1975

CHAPTER 234

SECURITIES REGULATION

H. F. 825

AN ACT relating to the regulation of securities, and providing for the registration of securities and broker-dealers, prohibiting certain deceptive and manipulative transactions in securities, regulating broker-dealers, and providing civil remedies and criminal penalties for violations.

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

PART I

SHORT TITLE AND DEFINITIONS

1 SECTION 101. NEW SECTION. **Short title.** This Act may be cited as
2 the "Iowa Uniform Securities Act".

1 SEC. 102. NEW SECTION. **Definitions.** When used in this Act, un-
2 less the context otherwise requires:

3 1. "Administrator" means the commissioner of insurance or the dep-
4 uty appointed pursuant to section six hundred one (601) of this Act.

5 2. "Agent" means any individual other than a broker-dealer who
6 represents a broker-dealer or issuer in effecting or attempting to effect
7 purchases or sales of securities. "Agent" does not include an individual
8 who represents an issuer in a. effecting transactions in a security ex-
9 empted by subsections one (1), two (2), three (3), ten (10) or eleven (11)
10 of section two hundred two (202); b. effecting transactions exempted by
11 section two hundred three (203); or c. effecting transactions with exist-
12 ing employees, partners or directors of the issuer if no commission or
13 other remuneration is paid or given directly or indirectly for soliciting
14 any person in this state. A partner, officer, or director of a broker-deal-
15 er or issuer, or a person occupying a similar status or performing simi-
16 lar functions, is an agent only if such person otherwise comes within
17 this definition.

18 3. An "affiliate" of, or a person "affiliated" with, a specified person,
19 means a person who directly, or indirectly through one or more inter-
20 mediaries, controls, is controlled by, or is under common control with,
21 the person specified.

22 4. "Broker-dealer" means any person engaged in the business of ef-
23 fecting transactions in securities for the account of others or for such
24 person's own account. "Broker-dealer" does not include:

25 a. An agent.

26 b. An issuer.

27 c. An institutional investor, including an insurance company or
28 bank, except where the insurance company or bank is engaged in the
29 business of selling interests (other than through a subsidiary) in a sepa-
30 rate account that are securities.

31 d. A person who has no place of business in this state if such person:

32 (1) Effects transactions in this state exclusively with or through a.
33 the issuers of the securities involved in the transaction; b. other broker-
34 dealers; or c. banks, savings institutions, trust companies, insurance
35 companies, investment companies as defined in the Investment Com-
36 pany Act of 1940, pension or profit sharing trusts, or other financial in-
37 stitutions or institutional buyers, whether acting for themselves or as
38 trustees; or

39 (2) During any period of twelve consecutive months does not direct
40 more than fifteen (15) offers to sell or buy into this state in any man-
41 ner to persons other than those specified in subparagraph one (1) of
42 this paragraph, whether or not the offeror or any of the offerees is then
43 present in this state.

44 e. Other persons not within the intent of this subsection whom the
45 administrator by rule or order designates.

46 5. "Fraud", "deceit" and "defraud" are not limited to common law
47 deceit.

48 6. "Guaranteed" means guaranteed as to payment of principal, in-
49 terest or dividends.

50 7. "Issuer" means any person who issues or proposes to issue any se-
51 curity, except that a. with respect to certificates of deposit, voting trust
52 certificates, or collateral trust certificates, or with respect to certificates
53 of interest or shares in an unincorporated investment trust not having
54 a board of directors or persons performing similar functions or of the
55 fixed, restricted management, or unit type, the term "issuer" means
56 the person or persons performing the acts and assuming the duties of
57 depositor or manager pursuant to the provisions of the trust or other

58 agreement or instrument under which the security is issued; and b.
59 with respect to certificates of interest or participation in oil, gas or
60 mining titles or leases, or in payments out of production under such titles
61 or leases, there is not considered to be any "issuer".

62 8. "Non-issuer" means not directly or indirectly for the benefit of
63 the issuer.

64 9. "Person" means an individual, a corporation, a partnership, an
65 association, a joint stock company, a trust, a fiduciary, an unincorporated
66 organization, a government, or a political subdivision of a government.
67

68 10. a. "Sale" or "sell" includes every contract of sale of, contract to
69 sell, or disposition or exchange of, a security or interest in a security
70 for value.

71 b. "Offer" or "offer to sell" includes every attempt or offer to ex-
72 change or dispose of, or solicitation of an offer to buy, a security or in-
73 terest in a security for value.

74 c. A security given or delivered with, or as a bonus on account of, a
75 purchase of a security or any other thing is offered and sold for value
76 as part of the subject of the purchase.

77 d. A purported gift of assessable stock is considered to involve an of-
78 fer and sale.

79 e. Except to the extent that the administrator provides otherwise by
80 rule or order, an offer or sale of a security that is convertible into or
81 entitles its holder to acquire another security of the same or another is-
82 suer is an offer also of the other security, whether the right to convert
83 or acquire is exercisable immediately or in the future.

84 f. The terms defined in this subsection do not include:

85 (1) Any bona fide pledge or loan; or

86 (2) Any stock split, reverse stock split, or security dividend payable
87 with respect to the securities of a corporation in the same or any other
88 class of securities of such corporation, provided nothing of value, in-
89 cluding the surrender of a right or an option to receive a cash or prop-
90 erty dividend, is given by security holders for the security dividend.

91 11. "Securities Act of 1933", "Securities Exchange Act of 1934",
92 "Public Utility Holding Company Act of 1935", "Investment Compa-
93 ny Act of 1940", "Internal Revenue Code of 1954" and "Agricultural
94 Marketing Act" mean the federal statutes of those names, as amended
95 before or after the effective date of this Act.

96 12. "Security" means any note; stock; treasury stock; bond; debent-
97 ure; evidence of indebtedness; certificate of interest or participation
98 in any profit sharing agreement; collateral trust certificate; preorgani-
99 zation certificate or subscription; transferable share; investment con-
100 tract; voting trust certificate; certificate of deposit for a security;
101 certificate of interest or participation in an oil, gas or mining title or
102 lease or in payments out of production under such a title or lease; or,
103 in general, any interest or instrument commonly known as a "secu-
104 rity", or any certificate of interest or participation in, temporary or in-
105 terim certificate for, receipt for, guarantee of, or warrant or right to
106 subscribe to or purchase, any of the foregoing. "Security" does not in-
107 clude any insurance or endowment policy or annuity contract under
108 which an insurance company promises to pay money either in a lump
109 sum or periodically for life or for some other specified period.

110 13. "State" means any state, territory or possession of the United
111 States, the District of Columbia and Puerto Rico.

PART II
REGISTRATION OF SECURITIES

1 SEC. 201. NEW SECTION. **Registration requirement.** It is unlaw-
2 ful for any person to offer or sell any security in this state unless (i) it
3 is registered under this Act; or (ii) the security or transaction is ex-
4 empted under sections two hundred two (202) or two hundred three
5 (203) of this Act.

1 SEC. 202. NEW SECTION. **Exempt securities.** The following se-
2 curities are exempted from sections two hundred one (201) and six
3 hundred two (602) of this Act:

4 1. Any security, including a revenue obligation, issued or guaran-
5 teed by the United States, any state, any political subdivision of a
6 state, or any agency or corporate or other instrumentality of one or
7 more of the foregoing; or any certificate of deposit for any of the fore-
8 going; but this exemption shall not include any revenue obligation
9 payable from payments to be made in respect of property or money
10 used under a lease, sale or loan arrangement by or for a nongovern-
11 mental industrial or commercial enterprise, unless such payments are
12 or will be made or unconditionally guaranteed by a person whose se-
13 curities are exempt from registration under this Act by subsection seven
14 (7) or subsection eight (8) of section two hundred two (202) of this Act.

15 2. Any security issued or guaranteed by Canada, any Canadian
16 province, any political subdivision of any such province, any agency or
17 corporate or other instrumentality of one or more of the foregoing, or
18 any other foreign government with which the United States currently
19 maintains diplomatic relations, if the security is recognized as a valid
20 obligation by the issuer or guarantor.

21 3. Any security issued by and representing an interest in or a debt
22 of, or guaranteed by, any bank organized under the laws of the United
23 States, or any bank, savings institution, or trust company organized
24 and supervised under the laws of this state.

25 4. Any security issued by and representing an interest in or a debt
26 of, or guaranteed by, any federal savings and loan association, or any
27 savings and loan or similar association organized and supervised under
28 the laws of this state.

29 5. Any security issued by and representing an interest in or a debt
30 of, or guaranteed by, any insurance company organized under the laws
31 of this state and authorized to do business in this state.

32 6. Any security issued or guaranteed by any federal credit union or
33 any credit union or similar association organized and supervised under
34 the laws of this state.

35 7. Any security issued or guaranteed by any railroad, other common
36 carrier, public utility, or holding company which is a. subject to the ju-
37 risdiction of the Interstate Commerce Commission; b. a registered
38 holding company under the Public Utility Holding Company Act of
39 1935 or a subsidiary of such a company within the meaning of that
40 Act; or c. regulated in respect of the issuance or guarantee of the secu-
41 rity by a governmental authority of the United States, any state,
42 Canada, or any Canadian province.

43 8. Any security listed or approved for listing upon notice of issuance
44 on the New York Stock Exchange, the American Stock Exchange, the
45 Midwest Stock Exchange, the Pacific Coast Stock Exchange, or any
46 other national securities exchange registered under the Securities Ex-
47 change Act of 1934 and designated by rule of the administrator; any
48 other security of the same issuer which is of senior or substantially
49 equal rank; any security called for by subscription rights or warrants so

50 listed or approved; or any warrant or right to purchase or subscribe to
51 any of the foregoing.

52 9. Any security issued by any person organized and operated not for
53 private profit but exclusively for religious, educational, benevolent,
54 charitable, fraternal, social, athletic or reformatory purposes, or as a
55 chamber of commerce or trade or professional association; provided the
56 issuer first files with the administrator a written notice specifying the
57 terms of the offer and the administrator does not by order disallow the
58 exemption within fifteen days thereafter.

59 10. Any commercial paper which arises out of a current transaction
60 or the proceeds of which have been or are to be used for current trans-
61 actions, and which evidences an obligation to pay cash within nine
62 months of the date of issuance, exclusive of days of grace, or any re-
63 newal of such paper which is likewise limited, or any guarantee of such
64 paper or of any such renewal; except where such paper is proposed to
65 be sold or offered to the public in units of less than five thousand dol-
66 lars (\$5,000) to any single person.

67 11. Any security issued in connection with an employee stock pur-
68 chase, option, savings, pension, profit sharing or similar benefit plan,
69 provided, in the case of plans which are not qualified under section
70 four hundred one (401) of the Internal Revenue Code of 1954 and
71 which provide for contribution by employees, the administrator is noti-
72 fied in writing thirty days before the inception of the plan of the terms
73 of the plan.

74 12. A stock or similar security, including a patronage refund certifi-
75 cate, issued by:

76 a. A cooperative association as defined in the Agricultural Market-
77 ing Act, or a federation of such cooperative associations that possesses
78 no greater powers or purposes than cooperative associations so defined,
79 if such stock or similar security (1) qualifies its holder for membership
80 in the cooperative association or federation, or in the case of patronage
81 refund certificate, is issuable only to members; and (2) is transferable
82 only to the issuer or to a successor in interest of the transferor that
83 qualifies for membership in the cooperative association or federation.

84 b. A cooperative housing corporation described in paragraph one (1)
85 of subsection b of section two hundred sixteen (216), of the Internal
86 Revenue Code of 1954, if its activities are limited to the ownership,
87 leasing, management, or construction of residential properties for its
88 members, and activities incidental thereto.

89 c. A mutual or cooperative organization, including a cooperative as-
90 sociation organized in good faith under and for any of the purposes
91 enumerated in chapters four hundred ninety-seven (497), four hundred
92 ninety-eight (498), and four hundred ninety-nine (499) of the Code,
93 that deals in commodities or supplies goods or services in transactions
94 primarily with and for the benefit of its members, if:

95 (1) Such stock or similar security is part of a class issuable only to
96 persons who deal in commodities with, or obtain goods or services
97 from, the issuer;

98 (2) Such stock or similar security is transferable only to the issuer or
99 a successor in interest of the transferor who qualifies for membership in
100 such mutual or cooperative organization; and

101 (3) No dividends other than patronage refunds are payable to hold-
102 ers of such stock or similar security except on a complete or partial liq-
103 uidation.

1 SEC. 203. NEW SECTION. **Exempt transactions.** The following
2 transactions are exempted from sections two hundred one (201) and six
3 hundred two (602) of this Act:

- 4 1. Any isolated non-issuer transaction, whether effected through a
5 broker-dealer or not.
- 6 2. Any non-issuer distribution of an outstanding security if:
- 7 a. A recognized securities manual approved by the administrator
8 contains the names of the issuer's officers and directors, a balance sheet
9 of the issuer as of a date within eighteen months, and a profit and loss
10 statement for either the fiscal year preceding that date or the most re-
11 cent year of operations.
- 12 b. The security was issued by an issuer which has a class of securities
13 currently registered under the Securities Exchange Act of 1934.
- 14 c. The security was issued by an issuer which has a class of securities
15 currently registered under section two hundred one (201) of this Act.
- 16 d. The security was issued by an issuer which is registered under the
17 Investment Company Act of 1940.
- 18 3. Any non-issuer transaction effected by or through a registered bro-
19 ker-dealer pursuant to an unsolicited order or offer to buy; but the ad-
20 ministrator may by rule require that the customer acknowledge that
21 the sale was unsolicited in accordance with provisions of such rule.
- 22 4. Any transaction between the issuer or other person on whose be-
23 half the offering is made and an underwriter, or among underwriters.
- 24 5. A sale of bonds or notes directly secured by a real estate mort-
25 gage, security interest, deed of trust, or agreement for the sale of real
26 estate or chattels, if the entire mortgage, security interest, deed of
27 trust, or agreement, together with all the bonds or notes secured there-
28 by, is offered and sold as a unit; provided that the entire mortgage, se-
29 curity interest, deed of trust or agreement, together with all of the
30 bonds or notes secured thereby, shall not be deemed to be sold as a
31 unit if:
- 32 a. Such bonds or notes are part of a single issue including other
33 bonds or notes secured by interests in real estate or chattels owned or
34 developed by the same person or by persons affiliated with such per-
35 son; or
- 36 b. Such bonds or notes are offered or sold with any right to have
37 substitution by or recourse against, or with guarantee by, the real es-
38 tate developer or any person other than the person primarily obligated
39 on the bond or note.
- 40 6. Any judicial sale or any transaction executed by an executor, ad-
41 ministrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian,
42 custodian or conservator without any purpose of evading this Act.
- 43 7. Any transaction executed by a bona fide pledgee without any pur-
44 pose of evading this Act.
- 45 8. Any offer or sale to a bank, savings institution, trust company, in-
46 surance company, investment company as defined in the Investment
47 Company Act of 1940, pension or profit sharing trust, or other finan-
48 cial institution or institutional buyer, or to a broker-dealer, whether
49 the purchaser is acting for itself or in a fiduciary capacity.
- 50 9. a. The sale, as part of a single issue, of securities other than (1)
51 fractional undivided interests in oil, gas or other mineral leases, rights
52 or royalties, and (2) interests in a limited or general partnership orga-
53 nized under the laws of or having its principal place of business in a
54 foreign jurisdiction, by the issuer thereof within any period of twelve
55 consecutive months to not more than thirty-five purchasers in this
56 state, exclusive of purchases by bona fide institutional investors for
57 their own account for investment, provided (1) that the issuer reason-
58 ably believes that all the buyers in this state are purchasing for invest-
59 ment, and (2) that both of the following are complied with:

60 (1) No commission or other remuneration is paid or given directly or
61 indirectly for or on account of such sale except as may be permitted by
62 the administrator by rule, or by order issued upon written application
63 showing good cause for allowance of commission or other remunera-
64 tion; and

65 (2) The issuer files with the administrator a report of sale within
66 thirty days after each sale, setting forth the name and address of the
67 issuer, the total amount of securities sold for which the exemption is
68 claimed under this subsection, and the names and addresses of the pur-
69 chasers thereof to whom such securities have been or are to be issued
70 who are to be counted against the thirty-five purchaser limitation spec-
71 ified in this paragraph. A filing of a report of sale shall not be required
72 to be made, however, until the number of purchasers who are to be
73 counted against the thirty-five purchaser limitation specified in this
74 paragraph exceeds ten.

75 b. The issuer must, additionally, pursuant to the request of the ad-
76 ministrator made at any time, submit a report listing the names and
77 addresses of purchasers claimed to have been bona fide institutional
78 investors purchasing for their own account for investment, and a justi-
79 fication of each such purchaser's characterization as a bona fide institu-
80 tional investor purchasing for its own account for investment.

81 10. Any offer or sale of a preorganization certificate or subscription
82 if:

83 a. No commission or other remuneration is paid or given directly or
84 indirectly for soliciting any prospective subscriber;

85 b. The number of subscribers does not exceed ten;

86 c. No payment is made by any subscriber; and

87 d. No public advertisement of the offer is made.

88 11. Any transaction pursuant to an offer of its securities by an issuer
89 to its existing security holders in connection with a. the conversion of
90 convertible securities; b. the exercise of nontransferable rights or war-
91 rants or the exercise of transferable rights or warrants exercisable with-
92 in not more than ninety days of their issuance; or c. the purchase of
93 securities pursuant to preemptive rights; provided that no commission
94 or other remuneration other than a standby commission is paid or giv-
95 en directly or indirectly for soliciting any security holder in this state.
96 12. Any offer, but not a sale, of a security for which registration
97 statements have been filed under both this Act and the Securities Act
98 of 1933 if no stop order or denial order is in effect and no proceeding is
99 pending under either law.

100 13. Any transaction incident to a vote by security holders of an is-
101 suer or incident to a written consent or resolution of some or all securi-
102 ty holders of an issuer, pursuant to the articles of incorporation of such
103 issuer, or pursuant to the applicable corporate statute or other statute
104 governing such issuer, or pursuant to such issuer's partnership agree-
105 ment, declaration of trust, or trust indenture, or pursuant to any agree-
106 ment among security holders of such issuer, on a reclassification of
107 securities, reorganization involving the exchange of securities, merger,
108 consolidation, or sale of assets, in consideration, in whole or in part, of
109 the issuance of securities of the issuer or of any other person, if:

110 a. A party to such transaction files proxy or informational materials
111 pursuant to subsection a of section fourteen (14), or subsection c of sec-
112 tion fourteen (14) of the Securities Exchange Act of 1934, or pursuant
113 to section twenty (20) of the Investment Company Act of 1940, provid-
114 ed that such materials are, at least ten days prior to the meeting of se-
115 curity holders called for the purpose of approving such transaction, (1)
116 filed with the administrator, and (2) distributed to each of the security
117 holders of each party to such transaction.

118 b. A party to such transaction is excused from registration under sec-
 119 tion twelve (12) of the Securities Exchange Act of 1934 pursuant to sub-
 120 paragraph (G) of paragraph two (2) of subsection (g) of section twelve
 121 (12) of that Act, and such party is required by the laws of its domicil-
 122 iary state to file proxy materials with an agency of said state provided
 123 that such proxy materials are, at least ten days prior to the meeting of
 124 security holders called for the purpose of approving such transaction,
 125 (1) filed with the administrator, and (2) distributed to each of the secu-
 126 rity holders of each party to such transaction.

127 c. One party to a merger owns not less than ninety percent of the
 128 outstanding shares of each class of stock of each other party to the
 129 merger.

130 d. A party to such transaction files with the administrator and dis-
 131 tributes to the security holders of each party to the transaction, such
 132 materials, within such time limits, as may be specified by rule or order
 133 of the administrator.

134 14. Any transaction incident to a judicially approved reorganization
 135 in which a security is issued in exchange for one or more outstanding
 136 securities, claims or property interests, or partly in such exchange and
 137 partly for cash.

138 15. The distribution of securities as a dividend, where the corpora-
 139 tion distributing the dividend is the issuer of the securities distributed,
 140 if the only value given by shareholders for the dividend is the surren-
 141 der of a right to a cash or property dividend when each shareholder
 142 may elect to take the dividend a. in cash or property, or b. in such se-
 143 curities.

1 SEC. 204. NEW SECTION. **Denial and suspension of exemp-**
 2 **tions.** The administrator may by order deny or revoke any exemp-
 3 tion specified in sections two hundred two (202) and two hundred three
 4 (203) of this Act with respect to a specific security or transaction. No
 5 such order may be entered without appropriate prior notice to all inter-
 6 ested parties, opportunity for hearing, and written findings of fact and
 7 conclusions of law, except that the administrator may by order sum-
 8 marily deny or revoke any of the specified exemptions pending final
 9 determination of any proceeding under this section. Upon the entry of
 10 a summary order, the administrator shall promptly notify all interested
 11 parties that it has been entered and of the reasons therefor and that
 12 within fifteen days of the receipt of a written request the matter will be
 13 set down for hearing. If no hearing is requested and none is ordered by
 14 the administrator, the order will remain in effect until it is modified or
 15 vacated by the administrator. If a hearing is requested or ordered, the
 16 administrator, after notice of and opportunity for hearing to all inter-
 17 ested persons, may modify or vacate the order or extend it until final
 18 determination. No order under this section may operate retroactively.
 19 No person may be considered to have violated sections two hundred
 20 one (201) or six hundred two (602) of this Act by reason of any offer or
 21 sale effected after the entry of an order under this section if such per-
 22 son sustains the burden of proof that such person did not know, and in
 23 the exercise of reasonable care could not have known, of the order.

1 SEC. 205. NEW SECTION. **Burden of proof.** In any proceeding un-
 2 der this Act, the burden of proving an exemption or an exception from
 3 a definition is upon the person claiming it.

1 SEC. 206. NEW SECTION. **Registration by coordination.**

2 1. Registration by coordination may be used for any offering for
 3 which a registration statement has been filed under the Securities Act
 4 of 1933, or for any proposed sale pursuant to the exemption contained

- 5 in subsection (b) of section three (3) of such Act where such registration
6 statement or notification of proposed sale has not become effective.
- 7 2. A registration statement under this section shall contain the fol-
8 lowing information and be accompanied by the following documents in
9 addition to the information specified in subsection three (3) of section
10 two hundred eight (208) of this Act, and the consent to service of pro-
11 cess required by section six hundred nine (609) of this Act:
- 12 a. Two copies of the most recent preliminary prospectus or offering
13 circular filed under the Securities Act of 1933.
- 14 b. If the administrator by rule requires, a copy of the articles of in-
15 corporation and bylaws or their substantial equivalents currently in ef-
16 fect, a copy of any agreements with or among underwriters, a copy of
17 any indenture or other instrument governing the issuance of the securi-
18 ty to be registered, and a specimen or copy of the security.
- 19 c. If the administrator requests, any other information, or copies of
20 any documents, filed under the Securities Act of 1933.
- 21 d. An undertaking to forward to the administrator all future amend-
22 ments to the federal prospectus or offering circular, other than an
23 amendment which merely delays the effective date of the registration
24 statement, not later than the first business day after they are forward-
25 ed to or filed with the Securities and Exchange Commission, or such
26 longer period as the administrator permits.
- 27 3. A registration statement under this section automatically becomes
28 effective at the moment the federal registration statement or notifica-
29 tion becomes effective if a. no stop order is in effect in this state and
30 no proceeding is pending under section two hundred nine (209) of this
31 Act, b. the registration statement has been on file with the administra-
32 tor for at least twenty days; c. a statement of the maximum and mini-
33 mum proposed offering prices and the maximum underwriting
34 discounts and commissions has been on file for not less than two full
35 business days, or such shorter period as the administrator permits; and
36 d. the offering is made within these limitations.
- 37 4. The registrant shall notify the administrator promptly by tele-
38 phone or telegram of the date and time when the federal registration
39 statement became effective and the content of the price amendment, if
40 any, and shall file a post-effective amendment promptly containing
41 the information and documents in the price amendment. "Price
42 amendment" means the final federal amendment which includes a
43 statement of the offering price, underwriting and selling discounts or
44 commissions, amount of proceeds, conversion rates, call prices and oth-
45 er matters dependent upon the offering price. Upon failure to receive
46 the required notification and post-effective amendment with respect to
47 the price amendment, the administrator may enter a stop order, with-
48 out notice or hearing, retroactively denying the effectiveness to the
49 registration statement or suspending its effectiveness until compliance
50 with this subsection is effected, if the administrator promptly notifies
51 the registrant by telephone or telegram of the issuance of such order. If
52 the registrant proves compliance with the requirements of this subsec-
53 tion as to notice and post-effective amendment the stop order shall be
54 vacated as of the time of its entry. The administrator may by rule or
55 order waive any of the conditions specified in subsection two (2) or
56 three (3) of this section.
- 57 5. If the federal registration statement becomes effective before all
58 conditions in this section are satisfied and they are not waived, the
59 registration statement automatically becomes effective as soon as all
60 the conditions are satisfied. If the registrant advises the administrator
61 of the date when the federal registration statement is expected to be

62 come effective, the administrator shall promptly advise the registrant
63 by telephone or telegram, at the registrant's expense, whether all the
64 conditions are satisfied and whether the administrator then contem-
65 plates the institution of a proceeding under section two hundred nine
66 (209) of this Act; but this advice by the administrator does not pre-
67 clude the institution of such a proceeding at any time.

1 **SEC. 207. NEW SECTION. Registration by qualification.**

2 1. Any security may be registered by qualification.

3 2. A registration statement under this section shall contain the fol-
4 lowing information and be accompanied by the following documents in
5 addition to the information specified in subsection three (3) of section
6 two hundred eight (208) of this Act and the consent to service of proc-
7 cess required by section six hundred nine (609) of this Act:

8 a. With respect to the issuer and any significant subsidiary: its
9 name, address and form of organization; the state or foreign jurisdic-
10 tion under which it is organized; the date of its organization; the gen-
11 eral character and location of its business; a description of its physical
12 properties and equipment; and a statement of the general competitive
13 conditions in the industry or business in which it is or will be engaged.

14 b. With respect to every director and officer of the issuer, or person
15 occupying a similar status or performing similar functions: such per-
16 son's name, address, and principal occupation for the past five years;
17 the amount of securities of the issuer held by such person as of a speci-
18 fied date within thirty days of the filing of the registration statement;
19 the amount of the securities covered by the registration statement to
20 which such person has indicated an intention to subscribe; and a de-
21 scription of any material interest in any material transaction with the
22 issuer or any significant subsidiary effected within the past three years
23 or proposed to be effected.

24 c. With respect to persons covered by paragraph b: the remuneration
25 paid during the past twelve months and estimated to be paid during
26 the next twelve months, directly or indirectly, by the issuer together
27 with all predecessors, parents, subsidiaries and affiliates to all of those
28 persons in the aggregate.

29 d. With respect to any person owning of record, or beneficially if
30 known, five percent or more of the outstanding shares of any class of
31 equity security of the issuer: the information specified in paragraph b
32 of this subsection other than occupation.

33 e. With respect to every promoter if the issuer was organized within
34 the past three years: the information specified in paragraph b of this
35 section, any amount paid within that period, or intended to be paid,
36 to such person, and the consideration for any such payment.

37 f. With respect to any person on whose behalf any part of the offer-
38 ing is to be made in a non-issuer distribution: such person's name and
39 address; the amount of securities of the issuer held as of the date of
40 the filing of the registration statement; a description of any material
41 interest in any material transaction with the issuer or any significant
42 subsidiary effected within the past three years or proposed to be effect-
43 ed; and a statement of reasons for making the offering.

44 g. The capitalization and long-term debt (on both a current and pro
45 forma basis) of the issuer and any significant subsidiary, including a
46 description of each security outstanding or being registered or other-
47 wise offered, and a statement of the amount and kind of consideration,
48 whether in the form of cash, physical assets, services, patents, good
49 will, or anything else, for which the issuer or any subsidiary has issued
50 any of its securities within the past two years or is obligated to issue
51 any of its securities.

52 h. The kind and amount of securities to be offered; the proposed
53 offering price or the method by which it is to be computed; any varia-
54 tion therefrom at which any proportion of the offering is to be made to
55 any person or class of persons other than the underwriters, with a speci-
56 fication of any such person or class; the basis upon which the offering
57 is to be made if otherwise than for cash; the estimated aggregate un-
58 derwriting and selling discounts or commissions and finders' fees, in-
59 cluding separately cash, securities, contracts, or anything else of value
60 to accrue to the underwriters or finders in connection with the offering,
61 or, if the selling discounts or commissions are variable, the basis of de-
62 termining them and their maximum and minimum amounts; the esti-
63 mated amounts of other selling expenses, including legal, engineering
64 and accounting charges; the name and address of every underwriter
65 and every recipient of a finder's fee; a copy of any underwriting or
66 selling-group agreement pursuant to which the distribution is to be
67 made, or the proposed form of any such agreement whose terms have
68 not yet been determined; and a description of the plan of distribution
69 of any securities which are to be offered otherwise than through an
70 underwriter.

71 i. The estimated cash proceeds to be received by the issuer from the
72 offering; the purposes for which the proceeds are to be used by the is-
73 suer; the amount to be used for each purpose; the order or priority in
74 which the proceeds will be used for the purposes stated; the amounts of
75 any funds to be raised from other sources to achieve the purposes stated;
76 the sources of any such funds; and, if any part of the proceeds is
77 to be used to acquire any property including good will otherwise than
78 in the ordinary course of business, the names and addresses of the ven-
79 dors, the purchase price, the names of any persons who have received
80 commissions in connection with the acquisition and the amounts of any
81 such commissions and any other expense in connection with the acqui-
82 sition (including the cost of borrowing money to finance the acquisi-
83 tion).

84 j. A description of any stock options or other security options out-
85 standing, or to be created in connection with the offering, together
86 with the amount of any such options held or to be held by every per-
87 son required to be named in paragraphs b, d, e, f, or h of this subsec-
88 tion, and by any person who holds or will hold ten percent or more in
89 the aggregate of any such options.

90 k. The dates of, parties to, and general effect concisely stated of, ev-
91 ery management or other material contract made or to be made other-
92 wise than in the ordinary course of business if it is to be performed in
93 whole or in part at or after the filing of the registration statement or
94 was made within the past two years, together with a copy of every such
95 contract; and a description of any pending litigation or proceeding to
96 which the issuer is a party and which materially affects its business or
97 assets, including any such litigation or proceeding known to be contem-
98 plated by governmental authorities.

99 l. A copy of any prospectus, pamphlet, circular, form letter, adver-
100 tisement, or other sales literature intended as of the effective date to
101 be used in connection with the offering.

102 m. A specimen or copy of the security being registered; a copy of
103 the issuer's articles of incorporation and bylaws, or their substantial
104 equivalents, as currently in effect; and a copy of any indenture, or
105 other instrument covering the security to be registered.

106 n. A signed or conformed copy of an opinion of counsel as to the le-
107 gality of the security being registered, with an English translation if it
108 is in a foreign language, which shall state whether the security when

109 sold will be legally issued, fully paid, and nonassessable, and, if a debt
110 security, a binding obligation of the issuer.

111 o. The written consent of any accountant, engineer, appraiser, or
112 other person whose profession gives authority to a statement made by
113 such person, if any of the foregoing persons is named as having pre-
114 pared or certified a report or valuation, other than a public and offi-
115 cial document or statement, which is used in connection with the
116 registration statement.

117 p. A balance sheet of the issuer as of a date within four months prior
118 to the filing of the registration statement; a profit and loss statement
119 and analysis of surplus for each of the three fiscal years preceding the
120 date of the balance sheet and for any period between the close of the
121 last fiscal year and the date of the balance sheet, or for the period of
122 the issuer's and any predecessors' existence if less than three years,
123 and, if any part of the proceeds of the offering is to be applied to the
124 purchase of any business, the same financial statements which would
125 be required if that business were the registrant, or such other financial
126 statements as may be required pursuant to subsection three (3) of sec-
127 tion six hundred seven (607) of this Act.

128 q. Such other additional information as the administrator requires
129 by rule or order.

130 3. Except as provided in this subsection, registration under this sec-
131 tion shall become effective when the administrator so orders. If a regis-
132 tration statement has been on file for at least thirty days and all
133 information required by the administrator has been furnished, the per-
134 son filing the statement may at any time file a written request that the
135 administrator, within ten days following the filing of such request, or-
136 der that the registration statement become effective or deny or post-
137 pone effectiveness pursuant to section two hundred nine (209) of this
138 Act. If a request is filed, and the administrator fails to act thereon
139 within such period, the registration shall become effective at the end of
140 the ten-day period.

1 SEC. 208. NEW SECTION. **Provisions applicable to registration**
2 **generally.**

3 1. A registration statement may be filed by the issuer, any other per-
4 son on whose behalf the offering is to be made, or a registered broker-
5 dealer.

6 2. Every person filing a registration statement shall pay a filing fee
7 of one-tenth of one percent of the maximum aggregate offering price
8 at which the registered securities are to be offered in this state, but the
9 fee shall in no case be less than fifty dollars or more than one thou-
10 sand dollars. When a registration statement is withdrawn before the ef-
11 fective date or a pre-effective stop order is entered under section two
12 hundred nine (209) of this Act, the administrator shall retain the fee.

13 3. Every registration statement shall specify:

14 a. The amount of securities to be offered in this state;

15 b. The states in which a registration statement or application in con-
16 nection with the offering has been or is to be filed; and

17 c. Any adverse order, judgment or decree entered in connection with
18 the offering by the regulatory authorities in any state or by any court
19 or the Securities and Exchange Commission, or any withdrawal of a
20 registration statement or application relating to the offering.

21 4. Any document filed under this Act or a predecessor act within five
22 years preceding the filing of a registration statement may be incorpo-
23 rated by reference in the registration statement to the extent that the
24 document is currently accurate.

25 5. The administrator may by rule or otherwise permit the omission
26 of any item of information or document from any registration state-
27 ment.

28 6. In the case of a non-issuer distribution, information may not be
29 required under section two hundred seven (207) of this Act, or para-
30 graph b of subsection nine (9) of this section, unless it is known to the
31 person filing the registration statement or to the persons on whose be-
32 half the distribution is to be made, or can be furnished by them with-
33 out unreasonable effort or expense.

34 7. The administrator may by rule or order require as a condition of
35 registration that any security issued within the past three years or to
36 be issued to a promoter for a consideration substantially different from
37 the public offering price, or to any person for a consideration other
38 than cash, be deposited in escrow; or that the proceeds from the sale of
39 the registered security in this state be impounded until the issuer re-
40 ceives a specified amount from the sale of the security either in this
41 state or elsewhere; or he may impose both such requirements. The ad-
42 ministrator may by rule or order determine the conditions of any es-
43 crow or impounding required hereunder, but he may not reject a
44 depository solely because of location in another state.

45 8. The administrator may by rule require that securities of designat-
46 ed classes shall be issued under a trust indenture containing such provi-
47 sions as he determines.

48 9. a. Every registration statement shall remain effective until with-
49 drawal, suspension or revocation, during which time all outstanding se-
50 curities of the same class as the registered security are considered
51 registered for the purposes of any non-issuer transaction. A registration
52 statement may not be withdrawn for one year from its effective date if
53 securities of the same class are outstanding. A registration statement
54 may be withdrawn otherwise only at the discretion of the administra-
55 tor, by order.

56 b. While the registration is effective, the issuer shall:

57 (1) During the period while the security is being offered or distribut-
58 ed in a nonexempt transaction by or for the account of the issuer or
59 any other person on whose behalf the offering is being made or by any
60 underwriter or broker-dealer who is still offering part of an unsold al-
61 lotment or subscription taken as a participant in the distribution,
62 amend the registration statement from time to time in such respects as
63 may be necessary to keep reasonably current the information contained
64 therein and to disclose the progress of the offering; and

65 (2) File with the administrator, and distribute to holders in this state
66 of securities of the registered class, within one hundred twenty days
67 following the close of each fiscal year an annual report containing fi-
68 nancial statements of the issuer in such form and meeting such require-
69 ments as the administrator may by rule or order prescribe, and, not
70 more frequently than semiannually, such additional financial state-
71 ments or information as such rule or order may prescribe.

72 10. The administrator may by rule or order require as a condition of
73 registration by qualification, and at the expense of the applicant or
74 registrant, that a report by an accountant, engineer, appraiser or other
75 professional person be filed. The administrator may also designate one
76 or more employees of the securities department to make an examina-
77 tion of the business and records of an issuer of securities for which a
78 registration statement has been filed by qualification, at the expense of
79 the applicant or registrant.

80 11. A registration statement relating to any continuous offering of
81 securities may be amended after its effective date so as to increase the

82 specified amount of securities proposed to be offered. The amendment
 83 becomes effective when the administrator so orders. Every person filing
 84 such an amendment shall pay a filing fee, calculated in the manner
 85 specified in subsection two (2) of this section, with respect to the addi-
 86 tional securities proposed to be offered.

87 12. The administrator may by rule or order require as a condition of
 88 registration under this Act that a prospectus containing any designated
 89 part of the information specified in subsection two (2) of section two
 90 hundred seven (207) of this Act, or the final prospectus or offering cir-
 91 cular required by subsection two (2) of section two hundred six (206) of
 92 this Act, be delivered to each person to whom an offer is made before
 93 or concurrently with a. the first written offer made to the offeree other-
 94 wise than by means of a public advertisement by or for the account of
 95 the issuer or any other person on whose behalf the offering is being
 96 made, or by any underwriter or broker-dealer who is offering part of an
 97 unsold allotment or subscription taken as a participant in the distribu-
 98 tion; b. the confirmation of any sale made by or for the account of
 99 any such person; c. payment pursuant to any such sale; or d. delivery
 100 of the security pursuant to any such sale, whichever first occurs.

1 SEC. 209. NEW SECTION. **Denial, suspension and revocation of**
 2 **registration.**

3 1. The administrator may issue a stop order denying effectiveness
 4 to, or suspending or revoking the effectiveness of, any registration
 5 statement if the administrator finds that the order is in the public in-
 6 terest and that:

7 a. The registration statement as of its effective date or as of any ear-
 8 lier date in the case of an order denying effectiveness, or any amend-
 9 ment filed under either subsection nine (9) or subsection eleven (11) of
 10 section two hundred eight (208) of this Act as of its effective date, or
 11 any financial statement or report required under subsection nine (9) of
 12 section two hundred eight (208) of this Act is incomplete in any materi-
 13 al respect or contains any statement which was, in the light of the cir-
 14 cumstances under which it was made, false or misleading with respect
 15 to any material fact.

16 b. Any provision of this Act or any rule, order or condition lawfully
 17 imposed under this Act has been willfully violated, in connection with
 18 the offering, by (1) the person filing the registration statement; (2) the
 19 issuer; (3) any partner, officer or director of the issuer, or any person
 20 occupying a similar status or performing similar functions; (4) any af-
 21 filiate of the issuer, but only if the person filing the registration state-
 22 ment is an affiliate of the issuer; or (5) any broker-dealer.

23 c. The securities registered or sought to be registered are the subject
 24 of an administrative stop order or similar order or a permanent or tem-
 25 porary injunction of any court of competent jurisdiction entered under
 26 any other federal or state act applicable to the offering; but the ad-
 27 ministrator may not institute a proceeding against an effective regis-
 28 tration statement under this section more than one year from the date
 29 of the order or injunction relied on, and the administrator may not en-
 30 ter an order under this section on the basis of an order or injunction
 31 entered under any other state act unless that order or injunction was
 32 based on facts which would currently constitute a ground for a stop or-
 33 der under this section.

34 d. The issuer's enterprise or method of business includes or would in-
 35 clude activities which are illegal where performed.

36 e. The issuance or sale of the securities is or would be unfair or in-
 37 equitable to purchasers or has worked or tended to work a fraud upon
 38 purchasers or would so operate.

39 f. The offering has been or would be made with unreasonable
40 amounts of underwriters' and sellers' discounts, commissions, or other
41 compensation, or promoters' profits or participation, or unreasonable
42 amounts or kinds of options.

43 g. Advertising has been used in connection with the offering con-
44 trary to the provisions of section six hundred two (602) of this Act.

45 h. The financial condition of the issuer affects or would affect the
46 soundness of the securities.

47 i. The applicant or registrant has failed to pay the proper filing fee;
48 but the administrator may enter only a denial order under this subsec-
49 tion, and shall vacate any such order when the deficiency has been cor-
50 rected.

51 2. The administrator may not institute a stop order proceeding
52 against an effective registration statement on the basis of a fact known
53 to the administrator when the registration statement became effective
54 unless the proceeding is instituted within thirty days after effective-
55 ness.

56 3. The administrator may issue a summary order postponing, sus-
57 pending or denying the effectiveness of a registration statement pend-
58 ing final determination of any proceeding under this section. Upon the
59 entry of the order, the administrator shall promptly notify the appli-
60 cant or registrant, the issuer, and the person on whose behalf the secur-
61 ities are to be or have been offered that the order has been entered and
62 of the reasons therefor and that within fifteen days after the receipt of
63 a written request the matter will be set down for hearing. If no hearing
64 is requested and none is ordered by the administrator, the order will re-
65 main in effect until it is modified or vacated by the administrator. If a
66 hearing is requested or ordered, the administrator, after notice of and
67 opportunity for hearing to each of the aforementioned persons, may
68 modify or vacate the order or extend it until final determination.

69 4. No stop order may be entered under any part of this section ex-
70 cept the first sentence of subsection three (3) of this section without
71 compliance with the Iowa Administrative Procedure Act.

72 5. The administrator may vacate or modify a stop order upon a
73 finding that the conditions which promoted its entry have changed or
74 that it is otherwise in the public interest to do so.

1 **SEC. 210. NEW SECTION. Limits on securities registered by**
2 **qualification.**

3 1. The aggregate offering price of all securities of the issuer which
4 may be registered for sale in this state under section two hundred seven
5 (207) of this Act, as part of a single issue of equity securities, shall not
6 exceed the following amounts:

7 a. Two million dollars if the securities are to be offered or sold by or
8 on behalf of the issuer or affiliates of the issuer, or by the estate of a
9 decedent who owned the securities at death, provided that the aggregate
10 offering price of securities to be offered or sold by or on behalf of
11 any one affiliate, other than an estate, shall not exceed five hundred
12 thousand dollars.

13 b. Seven hundred fifty thousand dollars if the securities are to be of-
14 fered or sold by or on behalf of any person other than a person spec-
15 ified in paragraph a, subsection one (1) of this section, provided that
16 the aggregate offering price of the securities to be offered or sold by or
17 on behalf of any one such other person shall not exceed five hundred
18 thousand dollars.

19 2. The following definitions shall apply for the purposes of this sec-
20 tion:

21 a. The term "securities of the issuer" shall include securities issued
 22 by any predecessor of the issuer or by any affiliate of the issuer which
 23 was organized or became such an affiliate within three years prior to
 24 the effectiveness of the registration of those securities sought to be reg-
 25 istered in this state.

26 b. The term "person" includes, in addition to such person, all of the
 27 following:

28 (1) When having the same home as that person, any relative or
 29 spouse or relative of the spouse.

30 (2) Any trust or estate in which that person and any of the persons
 31 specified in subparagraph one (1) of this paragraph collectively own
 32 ten percent or more of the total beneficial interest, or of which any of
 33 such persons serves as trustee or executor, or in any similar capacity.

34 (3) Any corporation or other organization other than the issuer in
 35 which that person and any of the persons specified in subparagraph
 36 one (1) of this paragraph are the beneficial owners collectively of ten
 37 percent or more of any class of equity securities, or ten percent or more
 38 of the equity interest.

39 c. The term "predecessor of the issuer" is (1) a person the major por-
 40 tion of whose assets have been acquired directly or indirectly by the is-
 41 suer; or (2) a person from which the issuer acquired directly or
 42 indirectly the major portion of its assets.

PART III

REGISTRATION OF BROKER-DEALERS AND AGENTS

1 SEC. 301. NEW SECTION. **Registration requirement.**

2 1. It is unlawful for any person to transact business in this state as a
 3 broker-dealer or agent unless registered under this Act.

4 2. It is unlawful for any broker-dealer or issuer to employ an agent
 5 in this state unless the agent is registered. The registration of an agent
 6 is not effective during any period when the agent is not associated
 7 with a specified broker-dealer registered under this Act or a specified
 8 issuer. Unless permitted by order of the administrator, no agent shall
 9 at any time represent more than one broker-dealer or issuer, except
 10 that where organizations affiliated by direct or indirect common con-
 11 trol are registered as broker-dealers or are issuers of securities registered
 12 under this Act, an agent may represent any such organization. When
 13 an agent begins or terminates employment with a broker-dealer or is-
 14 suer or begins or terminates the activities which makes such person an
 15 agent, the agent as well as the broker-dealer or issuer shall promptly
 16 notify the administrator.

17 3. Every registration shall expire on the last day of September in
 18 each year.

1 SEC. 302. NEW SECTION. **Registration procedures.**

2 1. A broker-dealer or agent may obtain an initial or renewal license
 3 by filing with the administrator an application together with a consent
 4 to service of process pursuant to section six hundred nine (609) of this
 5 Act and the appropriate filing fee. The application shall contain what-
 6 ever information the administrator by rule requires concerning the ap-
 7 plicant's form and place of organization, proposed method of doing
 8 business and financial condition, the qualifications and experience of
 9 the applicant, including, in the case of a broker-dealer, the qualifica-
 10 tions and experience of any partner, officer, director or controlling per-
 11 son, any injunction or administrative order or conviction of a
 12 misdemeanor involving securities and any conviction of a felony, and
 13 any other matters which the administrator determines are relevant to

14 the application. If no denial order is in effect and no proceeding is
15 pending under section three hundred four (304) of this Act, registration
16 becomes effective at noon of the thirtieth day after an application is
17 filed. The administrator may by rule or order specify an earlier effective
18 date and may by order defer the effective date until noon of the
19 thirtieth day after the filing of any amendment. Registration of a broker-dealer
20 automatically constitutes registration of any agent named in
21 the application or amendments thereto who is a partner, officer or director,
22 or who is a person occupying a similar status or performing similar
23 functions.

24 2. Every applicant for initial or renewal registration shall pay a filing
25 fee of one hundred dollars in the case of a broker-dealer, and ten
26 dollars in the case of an agent. When an application is denied or withdrawn,
27 the administrator shall retain the fee.

28 3. A registered broker-dealer may file an application for registration
29 of a successor, whether or not the successor is then in existence, for the
30 unexpired portion of the year. There shall be no filing fee.

31 4. The administrator may by rule require a minimum capital for broker-dealers
32 and establish limitations on aggregate indebtedness of broker-dealers in relation
33 to net capital and may classify broker-dealers for purposes of such requirements.
34 The administrator may not, however, with respect to any broker-dealer who is a
35 member of the National Association of Securities Dealers, Inc., or who is registered
36 with the Securities and Exchange Commission, require a higher minimum capital
37 or lower ratio of aggregate indebtedness to net capital than is contained in the
38 rules and regulations adopted by such association or commission.

39 5. Every broker-dealer and every issuer who employs agents in connection
40 with any security or transaction not exempted either by section two hundred two
41 (202) of this Act or section two hundred three (203) of this Act shall file and
42 maintain with the administrator a bond conditioned that the broker-dealer or issuer
43 shall properly account for any moneys or securities received from or belonging to
44 another and shall pay, satisfy, and discharge any judgment or decree that may be
45 rendered against such broker-dealer or issuer in a court of competent jurisdiction
46 in a suit or action brought by a purchaser or seller of securities against such
47 broker-dealer or issuer in which it shall be found or adjudged that such securities
48 were sold or purchased by the broker-dealer or issuer in violation of this Act.
49 Such bond may be drawn to cover the original license and any renewals thereof,
50 and may contain a provision authorizing the surety therein to cancel upon thirty-days'
51 notice to the principal and the administrator.

52 Every such bond shall run in favor of the state of Iowa for the use and benefit
53 of any person who sustains damages as a result of any breach of the conditions
54 thereof, in the sum of fifteen thousand dollars and shall be in such form consistent
55 with the provisions hereof as the administrator may prescribe, and shall be executed
56 with surety or sureties satisfactory to the administrator. In suits against the surety
57 upon such bond it shall not be necessary to join such broker-dealer or issuer as
58 a party.

59 Banks or trust companies under the supervision of this state or of the United
60 States which would otherwise be required under the provisions of this Act to file
61 and maintain the bond required herein may execute said bond without surety.

62 One or more recoveries upon any such bond shall not vitiate the same but it shall
63 remain in full force and effect, but the aggregate recoveries from the surety upon
64 any such bond shall not exceed the full

71 amount of the penal sum of the bond, and upon suits being com-
 72 menced in excess of the amount of same the administrator may require
 73 additional bond, and if not given within ten days the administrator
 74 may revoke the registration of such broker-dealer or issuer.

75 6. The administrator may by rule or order impose such other condi-
 76 tions in connection with registration under this Act as are deemed ap-
 77 propriate, in the public interest or for the protection of investors.

1 SEC. 303. NEW SECTION. **Post-registration provisions.**

2 1. Every registered broker-dealer shall make and keep such accounts,
 3 correspondence, memoranda, papers, books, and other records as the
 4 administrator by rule prescribes. All records so required shall be pre-
 5 served for three years unless the administrator by rule prescribes other-
 6 wise for particular types of records. All required records shall be kept
 7 within this state or shall, at the request of the administrator, be made
 8 available at any time for examination at the administrator's option ei-
 9 ther in the principal office of the registrant or by production of exact
 10 copies thereof in this state.

11 2. Every registered broker-dealer shall file such financial reports as
 12 the administrator by rule prescribes.

13 3. If the information contained in any document filed with the ad-
 14 ministrator is or becomes inaccurate or incomplete in any material re-
 15 spect, the registrant shall promptly file a correcting amendment unless
 16 notification of the correction has been given under subsection two (2) of
 17 section three hundred one (301) of this Act.

18 4. The administrator shall make periodic examinations, within or
 19 without this state, of the business and records of each registered broker-
 20 dealer, at such times and in such scope as the administrator deter-
 21 mines. The examinations may be made without prior notice to the bro-
 22 ker-dealer. The expense reasonably attributable to any such
 23 examination shall be paid by the broker-dealer whose business is exam-
 24 ined, but the expense so payable shall not exceed an amount which the
 25 administrator by rule prescribes. For the purpose of avoiding unneces-
 26 sary duplication of examinations, the administrator may cooperate
 27 with securities administrators of other states, the Securities and Ex-
 28 change Commission, and any national securities exchange or national
 29 securities association registered under the Securities Exchange Act of
 30 1934. The administrator shall not make public the information ob-
 31 tained in the course of examinations, except when any duty under this
 32 Act requires the administrator to take action regarding any broker-
 33 dealer or to make the information available to one of the agencies
 34 specified herein, or except when called as a witness in any criminal or
 35 civil proceeding.

1 SEC. 304. NEW SECTION. **Denial, revocation, suspension, cancel-**
 2 **lation and withdrawal of registration.**

3 1. The administrator may by order deny, suspend or revoke any reg-
 4 istration or may censure any applicant or registrant, if the order is
 5 found to be in the public interest and that the applicant or registrant
 6 or, in the case of a broker-dealer, any partner, officer, or director, any
 7 person occupying a similar status or performing similar functions, or
 8 any person directly or indirectly controlling the broker-dealer:

9 a. Has filed an application for registration which as of its effective
 10 date, or as of any date after filing in the case of an order denying ef-
 11 fectiveness, was incomplete in any material respect or contained any
 12 statement which was, in light of the circumstances under which it was
 13 made, false or misleading with respect to any material fact;

14 b. Has willfully violated or willfully failed to comply with any pro-
15 vision of this Act or a predecessor act or any rule or order under this
16 Act or a predecessor act;

17 c. Has been convicted within the past ten years of (1) any misde-
18 meanor involving a security or any aspect of the securities business, or
19 (2) any felony;

20 d. Is permanently or temporarily enjoined by any court of compe-
21 tent jurisdiction from engaging in or continuing any conduct or prac-
22 tice involving any aspect of the securities business;

23 e. Is the subject of an order of the administrator denying, suspend-
24 ing, or revoking registration as a broker-dealer or agent;

25 f. Is the subject of an order entered within the past five years by the
26 securities administrator of any other state or by the Securities and Ex-
27 change Commission denying or revoking registration as a broker-deal-
28 er, agent, or investment adviser, or is the subject of an order of the
29 Securities and Exchange Commission suspending or expelling such per-
30 son from a national securities exchange or national securities associa-
31 tion, registered under the Securities Exchange Act of 1934, or is the
32 subject of a United States Post Office fraud order; but the administra-
33 tor (1) may not institute a revocation or suspension proceeding under
34 this paragraph more than one year from the date of the order relied
35 on, and (2) may not enter an order under this paragraph on the basis
36 of an order under another state act unless that order was based on facts
37 which would currently constitute a ground for an order under this sec-
38 tion;

39 g. Has engaged in dishonest or unethical practices in the securities
40 business;

41 h. Is insolvent, either in the equity or bankruptcy sense; but the ad-
42 ministrator may not enter an order against a broker-dealer under this
43 paragraph without a finding of insolvency as to the broker-dealer;

44 i. Is not qualified on the basis of such factors as training, experience
45 and knowledge of the securities business; or

46 j. If a broker-dealer, it has failed reasonably to supervise its agents.

47 2. The administrator may not institute a suspension or revocation
48 proceeding under subsection one (1) of this section on the basis of a
49 fact known to him when registration became effective unless the pro-
50 ceeding is instituted within thirty days after the effective date.

51 3. The administrator may by order summarily postpone or suspend
52 registration pending final determination of any proceeding under this
53 section. Upon the entry of the order, the administrator shall promptly
54 notify the applicant or registrant, as well as the employer or prospec-
55 tive employer if the applicant or registrant is an agent, that it has
56 been entered and of the reasons therefor and that within fifteen days
57 after the receipt of a written request the matter will be set down for
58 hearing. If no hearing is requested and none is ordered by the adminis-
59 trator, the order will remain in effect until it is modified or vacated by
60 the administrator. If a hearing is requested or ordered, the administra-
61 tor, after notice of and opportunity for hearing, may modify or vacate
62 the order or extend it until final determination.

63 4. If the administrator finds that any registrant or applicant for reg-
64 istration is no longer in existence or has ceased to do business as a bro-
65 ker-dealer, or agent, or is subject to an adjudication of mental
66 incompetence or to the control of a committee, conservator, or guard-
67 ian, or cannot be located after search, the administrator may by order
68 revoke the registration or application.

69 5. Withdrawal from registration as a broker-dealer or agent becomes
70 effective thirty days after receipt of an application to withdraw or

71 within such shorter period of time as the administrator may by order
 72 determine, unless a revocation or suspension proceeding is pending
 73 when the application is filed or a proceeding to revoke or suspend or to
 74 impose conditions upon the withdrawal is instituted within thirty days
 75 after the application is filed. If a proceeding is pending or instituted,
 76 withdrawal becomes effective at such time and upon such conditions as
 77 the administrator by order determines. If no proceeding is pending or
 78 instituted and withdrawal automatically becomes effective, the admin-
 79 istrator may nevertheless institute a revocation or suspension proceed-
 80 ing under paragraph b of subsection one (1) of this section within one
 81 year after withdrawal became effective and enter a revocation or sus-
 82 pension order as of the last date on which registration was effective.
 83 6. No order may be entered under any part of this section except
 84 the first sentence of subsection three (3) of this section without compli-
 85 ance with the Iowa Administrative Procedure Act.

PART IV

PROHIBITION OF FRAUDULENT PRACTICES

1 SEC. 401. NEW SECTION. **Offers, sales and purchases.** It is un-
 2 lawful for any person, in connection with the offer to sell, offer to pur-
 3 chase, sale or purchase of any security in this state, directly or
 4 indirectly:

- 5 1. To employ any device, scheme, or artifice to defraud;
- 6 2. To make any untrue statement of a material fact or to omit to
 7 state a material fact necessary in order to make the statements made,
 8 in the light of the circumstances under which they are made, not mis-
 9 leading; or
- 10 3. To engage in any act, practice, or course of business which oper-
 11 ates or would operate as a fraud or deceit upon any person.

1 SEC. 402. NEW SECTION. **Trading on inside information.** It is
 2 unlawful for any person who is or was an officer, director or affiliate of
 3 an issuer or any other person whose relationship to the issuer or to any
 4 of the foregoing persons gives or gave such person access, directly or in-
 5 directly, to material information which is of decisive importance about
 6 the issuer or the security not generally available to the public, to pur-
 7 chase or sell any security of the issuer in this state at a time when he
 8 knows such information about the issuer or the security gained from
 9 such relationship, which information 1. would significantly affect the
 10 market price of that security; 2. is not generally available to the pub-
 11 lic; and 3. such person knows is not intended to be so available, unless
 12 that person has reason to believe that the other party to such transac-
 13 tion is also in possession of such information.

1 SEC. 403. NEW SECTION. **Market manipulation.** It is unlawful
 2 for any person, directly or indirectly, in this state:

- 3 1. For the purpose of creating a false or misleading appearance of
 4 active trading in a security or a false or misleading appearance with re-
 5 spect to the market for a security:
 - 6 a. To effect any transaction in the security which involves no change
 7 in the beneficial ownership thereof; or
 - 8 b. To enter any order or orders for the purchase (or sale) of the secu-
 9 rity with the knowledge that an order or orders of substantially the
 10 same size, at substantially the same time, and at substantially the
 11 same price for the sale (or purchase) of the security have been or will
 12 be entered by or for the same or affiliated persons.
- 13 2. To effect, alone or with one or more other persons, a series of
 14 transactions in any security creating actual or apparent active trading

15 in the security or raising or depressing the price of the security for the
16 purpose of inducing the purchase or sale of the security by others.

17 3. To induce the purchase or sale of any security by the circulation
18 or dissemination of information to the effect that the price of the secu-
19 rity will or is likely to rise or fall because of market operations of one
20 or more persons conducted for the purpose of raising or depressing the
21 price of the security, if that person is receiving a consideration, direct-
22 ly or indirectly, from any such person, or is selling or offering to sell or
23 purchasing or offering to purchase the security.

1 SEC. 404. NEW SECTION. **Prohibited transactions of broker-deal-**
2 **ers and agents.** No broker-dealer or agent shall effect any transac-
3 tion in, or induce or attempt to induce the purchase or sale of, any
4 security in this state by means of any manipulative, deceptive or other
5 fraudulent scheme, device, or contrivance, fictitious quotation, or in vi-
6 olation of this Act or any rule or order hereunder.

1 SEC. 405. NEW SECTION. **Misleading filings.** It is unlawful for
2 any person to make or cause to be made, in any document filed with
3 the administrator or in any proceeding under this Act, any statement
4 of a material fact which is, at the time and in the light of the circum-
5 stances under which it is made, false or misleading, or, in connection
6 with such statement, to omit to state a material fact necessary in order
7 to make the statements made, in the light of the circumstances under
8 which they are made, not misleading.

1 SEC. 406. NEW SECTION. **Misrepresentations of government ap-**
2 **proval.**

3 1. It is unlawful for any person registered as a broker-dealer or agent
4 under this Act to represent or imply in any manner whatsoever that
5 such person has been sponsored, recommended, or approved or that the
6 person's abilities or qualifications have in any respect been passed
7 upon by the administrator. Nothing in this subsection prohibits a state-
8 ment other than in a paid advertisement that a person is registered un-
9 der this Act, if such statement is true in fact and if the effect of such
10 registration is not misrepresented.

11 2. a. Neither the fact that a registration statement has been filed
12 under this Act nor the fact that such statement has become effective
13 constitutes a finding by the administrator that any document filed un-
14 der this Act is true, complete or not misleading. Neither any such fact
15 nor the fact that an exemption is available for a security or a transac-
16 tion means that the administrator has passed in any way upon the
17 merits or qualifications of, or has recommended or given approval to,
18 any person, security or transaction.

19 b. It is unlawful to make, or cause to be made, to any prospective
20 purchaser or any other person, any representation inconsistent with
21 paragraph a of this subsection.

22 3. No state official or employee of the state shall use such person's
23 name in an official capacity in connection with the endorsement or rec-
24 ommendation of the organization or the promotion of any issuer or in
25 the sale to the public of its securities, nor shall anyone use the sta-
26 tionery of the state or of any official thereof in connection with any
27 such transaction.

1 SEC. 407. NEW SECTION. **Misstatements in publicity.** It is un-
2 lawful for any person to make or cause to be made, in any public re-
3 port or press release, or in other information which is made generally
4 available to the public, any statement of a material fact relating to an

5 issuer which is, at the time and in the light of the circumstances under
6 which it is made, false or misleading, if it is reasonably foreseeable
7 that such statement will induce other persons to buy, sell or hold secur-
8 ities of the issuer.

PART V
CIVIL LIABILITY

1 SEC. 501. NEW SECTION. **Violation of registration and related**
2 **requirements.** Any person who 1. violates section two hundred
3 one (201), subsection twelve (12) of section two hundred eight (208), or
4 paragraph b of subsection two (2) of section four hundred six (406) of
5 this Act, or 2. violates any material condition imposed under section
6 two hundred eight (208) of this Act, or 3. offers or sells a security at
7 any time when such person has committed a material violation of sec-
8 tion three hundred one (301) of this Act, or 4. commits a material vio-
9 lation of any order issued by the administrator under this Act, shall be
10 liable to the person purchasing the security offered or sold in connec-
11 tion with such violation, who may sue either at law or in equity to re-
12 cover the consideration paid for the security, together with interest at
13 the legal rate from the date of payment, costs and reasonable attor-
14 neys' fees, less the amount of any income or distributions, in cash or in
15 kind, received on the security, upon the tender of the security, or for
16 damages if the purchaser no longer owns the security. Damages shall
17 be the amount that would be recoverable upon a tender less 1. the val-
18 ue of the security when the purchaser disposed of it and 2. interest on
19 said value at the legal rate from the date of disposition. Any person on
20 whose behalf an offering is made and any underwriter of the offering,
21 whether on a best efforts or a firm commitment basis, shall be jointly
22 and severally liable under this section, but in no event shall any
23 underwriter be liable in any suit or suits authorized under this section
24 for damages in excess of the total price at which the securities under-
25 written by it and distributed to the public were offered to the public.
26 Tender requires only notice of willingness to exchange the security for
27 the amount specified. Any notice may be given by service as in civil
28 actions or by certified mail addressed to the last known address of the
29 person liable.

1 SEC. 502. NEW SECTION. **Fraudulent practices.**
2 1. Any person who offers or sells a security in violation of sections
3 four hundred one (401) or four hundred four (404) of this Act, the pur-
4 chaser not knowing of the violation, and who fails to sustain the bur-
5 den of proof that he, she or it did not know and in the exercise of
6 reasonable care could not have known of the violation, shall be liable
7 to the purchaser, who may sue either at law or in equity to recover the
8 consideration paid for the security, together with interest at the legal
9 rate from the date of payment, costs and reasonable attorneys' fees,
10 less the amount of any income or distributions, in cash or in kind, re-
11 ceived on the security, upon the tender of the security, or for damages
12 if the purchaser no longer owns the security. Damages shall be the
13 amount that would be recoverable upon a tender less a. the value of
14 the security when the purchaser disposed of it and b. interest on said
15 value at the legal rate from the date of disposition. Any person on
16 whose behalf an offering is made and any underwriter of the offering,
17 whether on a best efforts or a firm commitment basis, shall be jointly
18 and severally liable under this section, but in no event shall any
19 underwriter be liable in any suit or suits authorized under this section
20 for damages in excess of the total price at which the securities under-

21 written by it and distributed to the public were offered to the public.
 22 Tender requires only notice of willingness to exchange the security for
 23 the amount specified. Any notice may be given by service as in civil
 24 actions or by certified mail addressed to the last known address of the
 25 person liable.

26 2. Any person who offers to purchase or purchases a security in vio-
 27 lation of sections four hundred one (401) or four hundred four (404) of
 28 this Act, the seller not knowing of the violation, and who fails to sus-
 29 tain the burden of proof that he, she or it did not know and in the ex-
 30 ercise of reasonable care could not have known of the violation, shall
 31 be liable to the seller, who may sue either at law or in equity to recover
 32 the security, plus any income or distributions, in cash or in kind, re-
 33 ceived by the purchaser thereon, upon tender of the consideration re-
 34 ceived, or for damages if the purchaser no longer owns the security.
 35 Damages shall be the excess of the value of the security when the pur-
 36 chaser disposed of it, plus interest at the legal rate from the date of
 37 disposition, over the consideration paid for the security. Tender re-
 38 quires only notice of willingness to pay the amount specified in ex-
 39 change for the security. Any notice may be given by service as in civil
 40 actions or by certified mail to the last known address of the person lia-
 41 ble.

42 3. Any person who willfully and knowingly participates in any act
 43 or transaction in violation of sections four hundred three (403), four
 44 hundred five (405) or four hundred seven (407) of this Act shall be liable
 45 to any other person who purchases or sells any security (but not a mere
 46 holder thereof) at a price which was affected by the act or transaction
 47 for the damages sustained as a result of such act or transaction. Dam-
 48 ages shall not exceed the difference between the price at which the oth-
 49 er person purchased or sold securities and the market value which the
 50 securities would have had at the time of such purchase or sale in the
 51 absence of the act or transaction, plus interest at the legal rate, costs
 52 and reasonable attorneys' fees.

53 4. Any person, referred to in this subsection as the "defendant", who
 54 violates section four hundred two (402) of this Act shall be deemed to
 55 be unjustly enriched and liable to any person, referred to in this sub-
 56 section as the "plaintiff", who purchased or may have purchased a se-
 57 curity from, or sold or may have sold a security to, the defendant in
 58 connection with such violation, for damages equal to the difference be-
 59 tween the price at which such security was purchased or sold and the
 60 market value which such security would have had at the time of the
 61 purchase or sale if the information known to the defendant had been
 62 publicly disseminated prior to that time and a reasonable time had
 63 elapsed for the market to absorb the information, plus interest at the
 64 legal rate, costs and reasonable attorneys' fees, unless the defendant
 65 proves that the plaintiff knew the information or that the plaintiff
 66 would have purchased or sold at the same price even if the information
 67 had been revealed to the plaintiff.

1 **SEC. 503. NEW SECTION. Joint and several liability; contribu-**
 2 **tion; indemnity.**

3 1. Affiliates of a person liable under either section five hundred one
 4 (501) or five hundred two (502) of this Act, partners, principal executive
 5 officers or directors of such person, persons occupying a similar status
 6 or performing similar functions for such person, employees of such per-
 7 son who materially aid in the act or transaction constituting the viola-
 8 tion, and broker-dealers or agents who materially aid in the act or
 9 transaction constituting the violation, are also liable jointly and sever-

10 ally with and to the same extent as such person, unless any person lia-
 11 ble hereunder proves that he, she or it did not know, and in the
 12 exercise of reasonable care could not have known, of the existence of
 13 the facts by reason of which the liability is alleged to exist.

14 2. Any person liable under this Act shall have a right of indemnifi-
 15 cation against any affiliate whose willful violation of any provision of
 16 this Act gave rise to such liability. Any person liable under this Act
 17 shall have a right of contribution against all other persons similarly li-
 18 able, except that no person whose willful violation of any provision of
 19 this Act has given rise to any civil liability shall have any right of con-
 20 tribution against any other person guilty merely of a negligent viola-
 21 tion.

1 SEC. 504. NEW SECTION. **Time limitations on rights of action.**

2 1. No action shall be maintained to enforce any liability created un-
 3 der either section five hundred one (501) of this Act or subsection one
 4 (1) of section five hundred three (503) of this Act insofar as it relates to
 5 section five hundred one (501) of this Act unless brought within two
 6 years after the violation upon which it is based.

7 2. No action shall be maintained to enforce any liability created un-
 8 der either section five hundred two (502) of this Act, or subsection one
 9 (1) of section five hundred three (503) of this Act insofar as it relates to
 10 section five hundred two (502), unless brought within the shorter of the
 11 following two periods: a. five years after the act or transaction consti-
 12 tuting the violation; or b. two years after the plaintiff receives actual
 13 notice of, or upon the exercise of reasonable diligence should have
 14 known of, the facts constituting the violation.

15 3. No action shall be maintained to enforce any right of indemnifi-
 16 cation or contribution created by subsection two (2) of section five
 17 hundred three (503) of this Act unless brought within one year after fi-
 18 nal judgment based upon the liability for which the right of indemnifi-
 19 cation or contribution exists.

20 4. No purchaser may commence an action under sections five
 21 hundred one (501), five hundred two (502) or five hundred three (503)
 22 of this Act if:

23 a. Before suit is commenced, the purchaser has received a written of-
 24 fer:

25 (1) Stating in reasonable detail why liability under such section may
 26 have arisen and fairly advising the purchaser of the purchaser's rights;

27 (2) Offering to repurchase the security for cash, payable on delivery
 28 of the security, equal to the consideration paid, together with interest
 29 at the legal rate from the date of payment, less the amount of any in-
 30 come or distributions, in cash or in kind, received thereon or, if the
 31 purchaser no longer owns the security, offering to pay the purchaser
 32 upon acceptance of the offer an amount in cash equal to the damages
 33 computed in accordance with subsection one (1) of section five hundred
 34 two (502) of this Act; and

35 (3) Stating that the offer may be accepted by the purchaser at any
 36 time within a specified period of not less than thirty days after the
 37 date of receipt thereof, or such shorter period as the administrator may
 38 by rule prescribe; and

39 b. The purchaser has failed to accept such offer in writing within the
 40 specified period.

41 5. No seller may commence an action under sections five hundred
 42 one (501), five hundred two (502) or five hundred three (503) of this Act
 43 if:

44 a. Before suit is commenced, the seller has received a written offer:
 45 (1) Stating in reasonable detail why liability under such section may
 46 have arisen and fairly advising the seller of the seller's rights;
 47 (2) Offering to return the security plus the amount of any income or
 48 distributions, in cash or in kind, received thereon upon payment of the
 49 consideration received, or, if the purchaser no longer owns the security,
 50 offering to pay the seller upon acceptance of the offer an amount in
 51 cash equal to the damages computed in accordance with subsection two
 52 (2) of section five hundred two (502) of this Act; and
 53 (3) Stating that the offer may be accepted by the seller at any time
 54 within a specified period of not less than thirty days after the date of
 55 receipt thereof, or such shorter period as the administrator may by rule
 56 prescribe; and
 57 b. The seller has failed to accept the offer in writing within the spec-
 58 ified period.
 59 6. Offers under subsections four (4) or five (5) of this section shall be
 60 in the form and contain the information the administrator by rule pre-
 61 scribes. Every offer under either subsection shall be delivered to the of-
 62 feree personally or sent by certified mail addressed to the offeree at
 63 the offeree's last known address. If an offer is not performed in accord-
 64 ance with its terms, suit by the offeree under section five hundred one
 65 (501), five hundred two (502) or five hundred three (503) of this Act
 66 shall be permitted without regard to subsections four (4) and five (5) of
 67 this section.

1 SEC. 505. NEW SECTION. **Limitation on implied liability.**
 2 Except as explicitly provided in this Act, no civil liability in favor
 3 of any person shall arise against any person by implication from or as
 4 a result of the violation of any provision of this Act or any rule or or-
 5 der hereunder. Nothing in this Act shall limit any liability which
 6 might exist by virtue of any other statute or under common law if this
 7 Act were not in effect.

1 SEC. 506. NEW SECTION. **No waiver of right of action.** Any con-
 2 dition, stipulation or provision binding any person to waive compli-
 3 ance with any provision of this Act or any rule or order hereunder is
 4 void.

1 SEC. 507. NEW SECTION. **Enforceability of illegal contracts.** It
 2 shall be a defense to an action based on a contract for the purchase or
 3 sale of a security that the plaintiff or the plaintiff's assignor entered
 4 into the transaction which gave rise to the contract under circumstances
 5 which would subject the plaintiff or the assignor to liability under sec-
 6 tions five hundred one (501), five hundred two (502), or five hundred
 7 three (503) of this Act.

PART VI
 ADMINISTRATION AND ENFORCEMENT

1 SEC. 601. NEW SECTION. **Administration of Act.**
 2 1. The provisions of this Act shall be administered by the commis-
 3 sioner of insurance of the state of Iowa. The administrator shall ap-
 4 point a deputy administrator who shall be subject to the merit system
 5 provided for in chapter nineteen A (19A) of the Code. The deputy ad-
 6 ministrator shall be the principal operations officer of the securities de-
 7 partment and shall be responsible to the administrator for the routine
 8 administration of the Act and the management of the securities depart-
 9 ment. In the absence of the administrator, whether because of vacancy
 10 in the office, by reason of absence, physical disability or other cause,

11 the deputy administrator shall be the acting administrator and shall,
12 for the time being, have and exercise the authority conferred upon the
13 administrator. The administrator may by order from time to time dele-
14 gate to the deputy administrator any or all of the functions assigned to
15 the administrator in this Act. The administrator shall employ such of-
16 ficers, attorneys, accountants and other employees as shall be needed
17 for the administration of the Act.

18 2. It is unlawful for the administrator or any officer or employee of
19 the securities department to use for personal benefit any information
20 which is filed with or obtained by the administrator and which is not
21 made public. No provision of this Act authorizes the administrator or
22 any such officer or employee to disclose any such information except
23 among themselves or to other securities administrators, regulatory au-
24 thorities or governmental agencies, or when necessary or appropriate in
25 a proceeding or investigation under this Act. No provision of this Act
26 either creates or derogates from any privileges which exist at common
27 law or otherwise when documentary or other evidence is sought under a
28 subpoena directed to the administrator or any officer or employee of
29 the securities department.

1 **SEC. 602. NEW SECTION. Filing of sales and advertising litera-**
2 **ture.** The administrator may by rule or order require the filing of
3 any prospectus, pamphlet, circular, form letter, advertisement, or other
4 sales literature or advertising communication addressed or intended for
5 distribution to prospective investors, unless the security or transaction
6 is exempted by sections two hundred two (202) or two hundred three
7 (203) of this Act. The administrator may by rule or order prohibit the
8 publication, circulation or use of any advertising deemed false or mis-
9 leading.

1 **SEC. 603. NEW SECTION. Investigations and subpoenas.**

2 1. The administrator may a. make such public or private investiga-
3 tions within or outside of this state as the administrator deems neces-
4 sary to determine whether any person has violated or is about to
5 violate any provision of this Act or any rule or order hereunder, or to
6 aid in the enforcement of this Act or in the prescribing of rules and
7 forms hereunder; b. require or permit any person to file a statement in
8 writing, under oath or otherwise as the administrator determines, as to
9 all the facts and circumstances concerning the matter to be investigat-
10 ed; and c. publish information concerning any violation of this Act or
11 any rule or order hereunder.

12 2. For the purpose of any investigation or proceeding under this Act,
13 the administrator or any officer designated by the administrator may
14 administer oaths and affirmations, subpoena witnesses, compel their
15 attendance, take evidence, and require the production of any books,
16 papers, correspondence, memoranda, agreements or other documents or
17 records which the administrator deems relevant or material to the in-
18 quiry, all of which may be enforced in accordance with the Iowa Ad-
19 ministrative Procedure Act.

20 3. No person is excused from attending and testifying or from pro-
21 ducing any document or record before the administrator, or in obedi-
22 ence to the subpoena of the administrator or any officer designated by
23 the administrator, or in any proceeding instituted by the administra-
24 tor, on the ground that the testimony or evidence required, whether
25 documentary or otherwise, may tend to incriminate such person or sub-
26 ject such person to a penalty or forfeiture; but no individual may be
27 prosecuted or subjected to any penalty or forfeiture for or on account
28 of any transaction, matter, or thing concerning which such person is

29 compelled, after claiming the privilege against self-incrimination, to
30 testify or produce evidence, whether documentary or otherwise, except
31 that the individual testifying is not exempt from prosecution and pun-
32 ishment for perjury or contempt committed in testifying.

1 **SEC. 604. NEW SECTION. Cease and desist orders; injunc-**
2 **tions.** Whenever it appears to the administrator that any person has
3 engaged or is about to engage in any act or practice constituting a vio-
4 lation of any provision of this Act or any rule or order hereunder, the
5 administrator may:

6 1. Issue an order directed at any such person requiring such person
7 to cease and desist from engaging in such act or practice.

8 2. Bring an action in the district court to enjoin the acts or practices
9 and to enforce compliance with this Act or any rule or order hereunder.
10 Upon a proper showing a permanent or temporary injunction, restraining
11 order, or writ of mandamus shall be granted and a receiver or con-
12 servator may be appointed for the defendant or the defendant's assets.
13 The administrator shall not be required to post a bond.

1 **SEC. 605. NEW SECTION. Criminal penalties.**

2 1. Any person who willfully and knowingly violates any provision of
3 this Act, or any rule or order under this Act, shall upon conviction be
4 fined not more than five thousand dollars or imprisoned not more than
5 three years, or both.

6 2. The administrator may refer such evidence as is available concern-
7 ing violations of this Act or of any rule or order hereunder to the attor-
8 ney general or the proper county attorney who may, with or without
9 such a reference, institute the appropriate criminal proceedings under
10 this Act.

11 3. Nothing in this Act limits the power of the state to punish any
12 person for any conduct which constitutes a crime under any other stat-
13 ute.

1 **SEC. 606. NEW SECTION. Judicial review of orders.** Judicial re-
2 view of actions of the administrator may be sought pursuant to the
3 Iowa Administrative Procedure Act, upon execution of a bond in the
4 penal sum of one thousand dollars to the state of Iowa, with sufficient
5 surety, to be approved by the clerk of the court conditioned upon the
6 faithful prosecution of such petition for judicial review, and the pay-
7 ment of all costs adjudged against the petitioner.

1 **SEC. 607. NEW SECTION. Rules, forms, orders and hearings.**

2 1. Pursuant to the Iowa Administrative Procedure Act, the adminis-
3 trator may from time to time make, amend and rescind such rules,
4 forms and orders as are necessary to carry out the provisions of this
5 Act, including rules and forms governing registration statements, ap-
6 plications, and reports, and defining any terms, whether or not used in
7 this Act, insofar as the definitions are not inconsistent with the provi-
8 sions of this Act. For the purpose of rules and forms, the administrator
9 may classify securities, persons, and other relevant matters, and pre-
10 scribe different requirements for different classes.

11 2. No rule, form or order may be made, amended or rescinded unless
12 the administrator finds that the action is necessary or appropriate in
13 the public interest or for the protection of investors and consistent with
14 the purposes fairly intended by the policy and provisions of this Act.
15 In prescribing rules and forms the administrator may cooperate with
16 the securities administrators of the other states, the Securities and Ex-
17 change Commission, and national securities exchanges and national se-
18 curities associations registered under the Securities and Exchange Act

19 of 1934, with a view to effectuating the policy of this statute to achieve
20 maximum uniformity in form and content of registration statements,
21 applications, and reports wherever practicable.

22 3. The administrator may by rule or order prescribe a. the form and
23 content of financial statements required under this Act, b. the circum-
24 stances under which consolidated financial statements shall be filed,
25 and c. whether any required financial statements shall be certified by
26 independent or certified public accountants. All financial statements
27 shall be prepared in accordance with generally accepted accounting
28 principles.

29 4. No provision of this Act imposing any liability applies to any act
30 done or omitted in good faith in conformity with any rule, form or or-
31 der of the administrator, notwithstanding that the rule, form or order
32 may later be amended or rescinded or be determined by judicial or oth-
33 er authority to be invalid for any reason.

34 5. Every hearing in an administrative proceeding shall be public un-
35 less, in the exercise of discretion, the administrator grants a request
36 joined in by all the respondents that the hearing be conducted private-
37 ly.

1 **SEC. 608. NEW SECTION. Administrative files and opinions.**

2 1. A document is filed when it is received by the administrator.

3 2. The administrator shall keep a register of all applications for reg-
4 istration and registration statements which are or have been effective
5 under this Act and predecessor laws, and all censure, denial, suspen-
6 sion or revocation orders which have been entered under this Act and
7 predecessor laws. The register shall be open for public inspection.

8 3. The information contained in or filed with any registration state-
9 ment, application or report may be made available to the public under
10 such rules as the administrator prescribes.

11 4. Upon request and at such reasonable charges as may be pre-
12 scribed, the administrator shall furnish to any person photostatic or
13 other copies, certified if requested, of any entry in the register or any
14 document which is a matter of public record. In any proceeding or
15 prosecution under this Act, any copy so certified is prima facie evi-
16 dence of the contents of the entry or document certified.

17 5. The administrator may honor requests from interested persons for
18 interpretative opinions.

1 **SEC. 609. NEW SECTION. Service of process.**

2 1. Every applicant for registration under this Act, and every issuer
3 which proposes to offer a security in this state through any person act-
4 ing as agent, shall file with the administrator, in such form as the ad-
5 ministrator by rule prescribes, an irrevocable consent appointing the
6 administrator or the administrator's successor in office to be such per-
7 son's attorney to receive service of any lawful process in any noncrim-
8 inal suit, action or proceeding against such person or the successor,
9 executor or administrator of such person which arises under this Act or
10 any rule or order hereunder after the consent has been filed, with the
11 same validity as if served personally on the person filing the consent.
12 The consent need not be filed by a person who has filed a consent in
13 connection with a previous registration which is then in effect. Service
14 may be made by leaving a copy of the process in the office of the ad-
15 ministrator, but it is not effective unless the plaintiff, including the
16 administrator when acting as such, a. promptly sends notice of the ser-
17 vice and a copy of the process by registered or certified mail to the de-
18 fendant or respondent at such person's last known address or takes
19 other steps which are reasonably calculated to give actual notice; and

20 b. files an affidavit of compliance with this subsection in the case on or
21 before the return day of the process, or within such time as the court
22 allows.

23 2. When any person, including any nonresident of this state, en-
24 engages in conduct prohibited or made actionable by this Act or any rule
25 or order hereunder, has not filed a consent to service of process under
26 subsection one (1) of this section, and personal jurisdiction over such
27 person cannot otherwise be obtained in this state, that conduct shall be
28 considered equivalent to the appointment by such person of the admin-
29 istrator or the administrator's successor in office to be that person's at-
30 torney to receive service of any lawful process in any noncriminal suit,
31 action or proceeding against that person or the successor, executor or
32 administrator of that person which arises out of that conduct and
33 which is brought under this Act or by any rule or order hereunder, with
34 the same validity as if served personally. Service may be made by
35 leaving a copy of the process in the office of the administrator, and it
36 is not effective unless the plaintiff, including the administrator when
37 acting as such, a. promptly sends notice of the service and a copy of
38 the process by registered or certified mail to the defendant or respon-
39 dent at such person's last known address or takes other steps which are
40 reasonably calculated to give actual notice; and b. files an affidavit of
41 compliance with this subsection in the case on or before the return day
42 of the process or within such time as the court allows.

43 3. When process is served under this section, the court, or the admin-
44 istrator in a proceeding before the administrator, shall order such con-
45 tinuance as may be necessary to afford the defendant or respondent
46 reasonable opportunity to defend.

1 SEC. 610. NEW SECTION. **Scope of the Act.**

2 1. The provisions of this Act concerning sales and offers to sell apply
3 when a sale or an offer to sell is made in this state or when an offer to
4 purchase is made and accepted in this state. The provisions concerning
5 purchases and offers to purchase apply when a purchase or an offer to
6 purchase is made in this state or an offer to sell is made and accepted
7 in this state.

8 2. For the purpose of this section, an offer to sell or an offer to pur-
9 chase is made in this state, whether or not either party is then present
10 in this state, when the offer originates from this state or is directed by
11 the offeror to this state and received by the offeree in this state, but
12 for the purpose of section two hundred one (201) of this Act an offer to
13 sell which is not directed to or received by the offeree in this state is
14 not made in this state.

15 3. For the purpose of this section, an offer to purchase or to sell is
16 accepted in this state when acceptance is communicated to the offeror
17 in this state, and has not previously been communicated to the offeror,
18 orally or in writing, outside this state; and acceptance is communicat-
19 ed to the offeror in this state, whether or not either party is then pres-
20 ent in this state, when the offeree directs it to the offeror in this state
21 reasonably believing the offeror to be in this state and it is received by
22 the offeror in this state.

23 4. An offer to sell or to purchase is not made in this state when
24 made by means of a. any bona fide newspaper or other publication of
25 general, regular and paid circulation which is not published in this
26 state, or b. a radio or television program originating outside this state
27 which is received in this state.

1 SEC. 611. NEW SECTION. **Statutory policy.** This Act shall be so
2 construed as to effectuate its general purpose to make uniform the law

3 of those states which enact the "Uniform Securities Act" and to coordi-
 4 nate the interpretation and administration of this Act with the related
 5 federal regulation.

1 SEC. 612. NEW SECTION. **Severability of provisions.** If any pro-
 2 vision of this Act or the application thereof to any person or circum-
 3 stance is held invalid, the invalidity shall not affect other provisions or
 4 applications of the Act which can be given effect without the invalid
 5 provision or application, and to this end the provisions of this Act are
 6 severable.

1 SEC. 613. NEW SECTION. **Prior law.**

2 1. Chapter five hundred two (502), Code 1973, as amended by chap-
 3 ters one thousand ninety (1090) and one thousand two hundred thirty-
 4 eight (1238), Laws of the Sixty-fifth General Assembly, 1974 Session,
 5 referred to in this section as "prior law", exclusively governs all suits,
 6 actions, prosecutions, or proceedings which are pending or may be ini-
 7 tiated on the basis of facts or circumstances occurring before the effec-
 8 tive date of this Act, except that no civil suit or action may be
 9 maintained to enforce any liability under prior law unless brought
 10 within any period of limitation which applied when the cause of action
 11 accrued.

12 2. All effective registrations under prior law, all administrative or-
 13 ders relating to such registrations, and all conditions imposed upon
 14 such registrations remain in effect so long as they would have re-
 15 mained in effect if this Act had not been passed. They are considered
 16 to have been filed, entered, or imposed under this Act, but are gov-
 17 erned by prior law.

18 3. Prior law applies in respect of any offer or sale made within six
 19 months after the effective date of this Act pursuant to an offering be-
 20 gun in good faith before its effective date on the basis of an examina-
 21 tion available under prior law.

22 4. Judicial review of all administrative orders as to which review pro-
 23 ceedings have not been instituted by the effective date of this Act are
 24 governed by section six hundred six (606) of this Act, except that no re-
 25 view proceeding may be instituted unless the petition is filed within
 26 any period of limitation which applied to a review proceeding when
 27 the order was entered and in any event within sixty days after the ef-
 28 fective date of this Act.

1 SEC. 614. NEW SECTION. **Effective date.** This Act shall take ef-
 2 fect on January 1, 1976.

1 SEC. 615. The Code editor shall codify sections one hundred one
 2 (101) through six hundred fourteen (614) of this Act as sections five
 3 hundred two point one hundred one (502.101) through five hundred
 4 two point six hundred fourteen (502.614), respectively.

1 SEC. 616. Section four hundred ninety-nine point fifty-nine
 2 (499.59), unnumbered paragraph one (1), Code 1975, is amended to
 3 read as follows:

4 **499.59 Exemptions from Iowa uniform securities Act.** None of
 5 the exemptions contained in sections ~~502.4 and 502.5~~ *five hundred two*
 6 *point two hundred two (502.202) and five hundred two point two*
 7 *hundred three (502.203) of the Code* shall apply to any security issued
 8 by any association formed hereunder, when the total amount thereof
 9 exceeds twenty-five thousand dollars.

1 SEC. 617. Section five hundred three point ten (503.10), Code 1975,
 2 is amended to read as follows:

3 **503.10 Examination.** Every such association shall be subject to
 4 examination by the commissioner of insurance or his representatives,
 5 the expense of which shall be paid by the association in the same man-
 6 ner and on the same basis and under the same terms and conditions as
 7 is now provided for in ~~section 502.12~~ *subsection ten (10) of section*
 8 *five hundred two point two hundred eight (502.208) of the Code and*
 9 *subsection four (4) of section five hundred two point three hundred*
 10 *three (502.303) of the Code.* In making such examination the commis-
 11 sioner of insurance or his representatives, shall have full access to and
 12 may demand the production of all books, securities, papers, contracts,
 13 moneys, *etc.*, and *other relevant documents* of said association, and
 14 may administer oaths, summon and compel the attendance of witnesses
 15 and the giving of testimony thereby.

1 SEC. 618. Section five hundred three point twelve (503.12), Code
 2 1975, is amended to read as follows:

3 **503.12 Salesmen—license—revocation.** The salesmen or agents
 4 of every association qualified under this chapter, shall be licensed or reg-
 5 istered in the same manner and under the same terms and conditions
 6 as is provided for in ~~section 502.14~~ *as are provided for in sections five*
 7 *hundred two point three hundred one (502.301) and five hundred*
 8 *two point three hundred two (502.302) of the Code,* and the license or
 9 registration of such salesmen or agents shall be subject to suspension
 10 and revocation in the same manner and under the same terms and con-
 11 ditions as is provided for in ~~section 502.14~~ *five hundred two point*
 12 *three hundred four (502.304) of the Code.*

1 SEC. 619. Section five hundred seven B point fourteen (507B.14),
 2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
 3 lows:

4 When a controlling interest in two or more corporations, at least one
 5 of which is an insurance company domiciled in this state, is held by
 6 any person, group of persons, firm, or corporation, no exchange of
 7 stock, transfer or sale of securities, or loan based upon securities of any
 8 such corporation shall take place between such corporations, or between
 9 such person, group of persons, firm or corporation and such corpora-
 10 tions, without first securing the approval of the insurance commission-
 11 er. If, in the opinion of the insurance commissioner, such sale, transfer,
 12 exchange, or loan would be improper and would work to the detriment
 13 of any such insurance company, he shall have the power to prohibit the
 14 transaction. Any person, firm or corporate officer or director aiding
 15 such transaction carried out without approval of the insurance commis-
 16 sioner shall be deemed guilty of a felony and upon conviction pun-
 17 ished as provided in ~~section 502.28~~ *five hundred two point six*
 18 *hundred five (502.605) of the Code.*

1 SEC. 620. Section five hundred thirty-six A point twenty-two
 2 (536A.22), Code 1975, is amended to read as follows:

3 **536A.22 Thrift certificates.** Licensed industrial loan companies
 4 may sell thrift certificates, installment thrift certificates, certificates of
 5 indebtedness, promissory notes or similar evidences of indebtedness.
 6 The total amount of such thrift certificates, installment thrift certi-
 7 cates, certificates of indebtedness, promissory notes or similar evidences
 8 of indebtedness outstanding and in the hands of the general public
 9 shall not at any time exceed ten times the total amount of capital, sur-
 10 plus, undivided profits and subordinated debt that gives priority to
 11 such securities of the issuing industrial loan company. The sale of such
 12 securities shall be subject to the provisions of chapter 502, and shall not

13 be construed to be exempt therefrom by reason of the provisions of see-
 14 tion 502.4, subsections 7 and 8 subsection ten (10) of section five
 15 hundred two point two hundred two (502.202) of the Code, except
 16 that the sale of thrift certificates or installment thrift certificates
 17 which are redeemable by the holder thereof either upon demand or
 18 within a period not in excess of one hundred eighty days shall be
 19 exempt from sections five hundred two point two hundred one
 20 (502.201) and five hundred two point six hundred two (502.602).

1 SEC. 621. Chapter five hundred two (502), Code 1975, is amended
 2 by striking the chapter and inserting in lieu thereof sections one
 3 hundred one (101) through six hundred fourteen (614) of this Act.

Approved July 18, 1975

CHAPTER 235
 NONPROFIT CORPORATIONS

H. F. 816

AN ACT relating to tort liability due to acts or omissions of directors, officers, employees, and members of nonprofit corporations and corporations not for pecuniary profit.

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

1 SECTION 1. Section five hundred four A point one hundred one
 2 (504A.101), Code 1975, is amended to read as follows:

3 **504A.101 Personal liability.** Except as otherwise provided in
 4 this chapter, the directors, officers, employees and members of the cor-
 5 poration shall not, as such, be liable on its debts or obligations *and di-*
 6 *rectors, officers, members or other volunteers shall not be personally*
 7 *liable for any claim based upon an act or omission of such person*
 8 *performed in the reasonable discharge of their lawful corporate du-*
 9 *ties.*

1 SEC. 2. Section five hundred four point five (504.5), Code 1975, is
 2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. Directors, officers, members or other volunteers
 4 shall not be personally liable for any claim based upon an act or omis-
 5 sion of such persons performed in the reasonable discharge of their law-
 6 ful corporate duties.

Approved July 19, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 236

INSURANCE OTHER THAN LIFE—DIRECTORS

S. F. 107

AN ACT relating to powers of a board of directors of an insurance company other than life.

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

1 SECTION 1. Section five hundred fifteen point thirty (515.30), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **515.30 Election of officers.** The directors shall elect a president,
5 a secretary, and such other officers as may be necessary for transacting
6 the business of the company.

1 SEC. 2. Section five hundred fifteen point thirty-one (515.31), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **515.31 Filling of vacancies.** The directors shall have authority
5 to fill vacancies occurring on the board of directors, and shall fill va-
6 cancies of officers occurring between regular elections.

Approved April 8, 1975

CHAPTER 237

HEARINGS BY INSURANCE COMMISSIONER

S. F. 119

AN ACT relating to hearing procedures by the insurance commissioner.

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

1 SECTION 1. Section five hundred fifteen A point eighteen (515A.18),
2 subsection one (1), Code 1975, is amended to read as follows:

3 1. Any *person*, insurer or rating organization to which the commis-
4 sioner has directed an order made without a hearing may, within thirty
5 days after notice to it of such order, make written request to the com-
6 missioner for a hearing thereon. The commissioner shall hear such par-
7 ty or parties within twenty days after receipt of such request and shall
8 give not less than ten days' written notice of the time and place of the
9 hearing. Within fifteen days after such hearing the commissioner shall
10 affirm, reverse or modify his previous action, specifying his reasons
11 therefor. Pending such hearing and decision thereon the commissioner
12 may suspend or postpone the effective date of his previous action.

Approved April 28, 1975

CHAPTER 238

AUTOMOBILE INSURANCE DISCRIMINATION

H. F. 36

AN ACT relating to discrimination in 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), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 No insurer shall refuse to renew a policy solely because of age, resi-
5 dence, sex, race, color, creed, or occupation of an insured.

Approved June 6, 1975

CHAPTER 239

MEDICAL MALPRACTICE

H. F. 803

AN ACT relating to the compensation of persons suffering loss as a result of medical malpractice.

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

1 SECTION 1. The general assembly finds that a critical situation ex-
2 ists because of the high cost and impending unavailability of medical
3 malpractice insurance. The purposes of sections two (2) through thir-
4 teen (13) of this Act are to assure that the public is adequately protect-
5 ed against losses arising out of medical malpractice by providing
6 licensed health care providers with medical malpractice insurance
7 through the requirement that certain liability insurance carriers write
8 medical malpractice insurance for a period of two years upon a finding
9 of an emergency by the commissioner of insurance that either such in-
10 surance is not available through normal channels or that it is not avail-
11 able on a reasonable basis because of lack of competition for such
12 insurance, or otherwise; to establish an association to equitably spread
13 the risks for such insurance; and to provide for recoupment of losses re-
14 sulting from the operation of the association through a stabilization re-
15 serve fund contributed to by insureds, a surcharge on future liability
16 insurance policies, or a favorable premium tax treatment.

17 It is the intent of this Act to provide only an interim solution to the
18 impending unavailability of medical malpractice insurance. It is not
19 anticipated that this Act will resolve the underlying causes of the un-
20 availability and high cost which extend beyond the insurance mecha-
21 nism. It is anticipated that future legislation will be required to deal
22 on a more permanent basis with the underlying causes of the current
23 situation.

1 SEC. 2. NEW SECTION. **Definitions.** As used in this Act, unless
2 the context otherwise requires:

3 1. "Association" means the joint underwriting association established
4 pursuant to sections two (2) through thirteen (13) of this Act.

5 2. "Commissioner" means the commissioner of insurance or a desig-
6 nee.

7 3. "Medical malpractice insurance" means insurance coverage
8 against the legal liability of the insured and against loss, damage, or
9 expense incident to a claim arising out of the death or injury of any
10 person as the result of negligence or malpractice in rendering profes-
11 sional service by any licensed health care provider.

12 4. "Net direct premiums" means gross direct premiums written on li-
13 ability insurance as reported in the annual statements filed by the in-
14 surers with the commissioner, including the liability component of
15 multiple peril package policies as computed by the commissioner, less
16 return premiums for the unused or unabsorbed portions of premium de-
17 posits.

18 5. "Licensed health care provider" means and includes a physician
19 and surgeon, osteopath, osteopathic physician and surgeon, dentist,
20 podiatrist, optometrist, pharmacist, chiropractor or nurse licensed pur-
21 suant to chapter one hundred forty-seven (147) of the Code, and a hos-
22 pital licensed pursuant to chapter one hundred thirty-five B (135B) of
23 the Code.

1 **SEC. 3. NEW SECTION. Temporary joint underwriting associa-**
2 **tion.**

3 1. A temporary joint underwriting association is created, consisting
4 of all insurers authorized to write and engaged in writing on a direct
5 basis within this state liability insurance, including insurers covering
6 such peril in multiple peril policies. Every such insurer shall be a mem-
7 ber of the association and shall remain a member as a condition of its
8 authority to continue to write liability insurance in this state.

9 2. The purpose of the association shall be to provide, for a period
10 not exceeding two years, a market for medical malpractice insurance
11 on a self-supporting basis without subsidy from its members.

12 3. The association shall not commence underwriting operations for
13 health care providers until the commissioner, after notice and opportu-
14 nity for hearing, has determined that medical malpractice insurance is
15 not available at a reasonable cost for a specific type of licensed health
16 care provider in the voluntary market. Upon such determination the
17 association shall be authorized to issue policies of medical malpractice
18 insurance for such specific type of health care provider but need not be
19 the exclusive agency through which such insurance may be written on a
20 primary basis in this state.

21 If the commissioner determines at any time that medical malpractice
22 insurance can be made available in the voluntary market at a reason-
23 able price for any specific type of licensed health care provider, the as-
24 sociation shall thereby cease underwriting medical malpractice
25 insurance for that type of licensed health care provider.

26 4. The association shall, subject to the terms and conditions of sec-
27 tions two (2) through thirteen (13) of this Act, have and exercise the
28 following powers on behalf of its members:

29 a. To issue, or to cause to be issued, policies of insurance to appli-
30 cants, including incidental coverages and subject to limits as specified
31 in the plan of operation but not to exceed one million dollars for each
32 claimant under one policy and three million dollars for all claimants
33 under one policy in any one year.

34 b. To underwrite such insurance and to adjust and pay losses with
35 respect thereto, or to appoint service companies to perform those func-
36 tions.

37 c. To assume reinsurance from its members.

38 d. To cede reinsurance.

1 **SEC. 4. NEW SECTION. Plan of operation.**

2 1. The association shall submit a plan of operation to the commis-
3 sioner, together with any amendments necessary or suitable to assure
4 the fair, reasonable, and equitable administration of the association
5 consistent with sections two (2) through thirteen (13) of this Act. The
6 plan of operation and any amendments thereto shall become effective
7 only after promulgation of the plan or amendment by the commission-
8 er as a rule pursuant to section seventeen A point four (17A.4) of the
9 Code: Provided that the initial plan may in the discretion of the com-
10 missioner become effective immediately upon filing with the secretary
11 of state pursuant to subparagraph one (1) of paragraph b of subsection
12 two (2) of section seventeen A point five (17A.5) of the Code.

13 If the association fails to submit a suitable plan of operation within
14 twenty-five days following the effective date of this Act or if at any
15 time thereafter the association fails to submit suitable amendments to
16 the plan, the commissioner shall adopt rules necessary to effectuate
17 sections two (2) through thirteen (13) of this Act. Such rules shall con-
18 tinue in force until modified by the commissioner or superseded by a
19 plan submitted by the association and approved by the commissioner.

20 2. The plan of operation shall provide for economic, fair and nondis-
21 criminatory administration, and for the prompt and efficient provision
22 of medical malpractice insurance. The plan shall contain other provi-
23 sions including, but not limited to, preliminary assessment of all mem-
24 bers for initial expenses necessary to commence operations,
25 establishment of necessary facilities, management of the association,
26 assessment of members to defray losses and expenses, commission ar-
27 rangements, reasonable and objective underwriting standards, accep-
28 tance and cession of reinsurance, appointment of servicing carriers or
29 other servicing arrangements and procedures for determining amounts
30 of insurance to be provided by the association.

31 3. All member insurers shall comply with the plan of operation.

1 **SEC. 5. NEW SECTION. Policy forms and rates.**

2 1. The rates, rating plans, rating classifications, and policy forms
3 and endorsements applicable to insurance written by the association
4 and the statistical and experience data relating thereto shall be subject
5 to sections two (2) through thirteen (13) of this Act and to the provi-
6 sions of the general insurance code which are not inconsistent with the
7 purposes and provisions of this Act.

8 2. All policies issued by the association shall provide for a continu-
9 ous period of coverage beginning with their respective effective dates
10 and terminating automatically at 12:01 a.m. on July 1, 1977, unless
11 sooner terminated in accordance with sections two (2) through thirteen
12 (13) of this Act, or unless terminated because of failure of the policy-
13 holder to pay any premium or stabilization reserve fund charge or por-
14 tion of either when due. All policies shall be issued subject to the
15 group retrospective rating plan and the stabilization reserve fund au-
16 thorized by this Act. No policy form shall be used by the association
17 unless it has been filed with and approved by the commissioner.

18 3. The commissioner shall specify whether policy forms and the rate
19 structure shall be on a "claims-made" or "occurrence" basis and cover-
20 age shall be provided by the association only on the basis specified by
21 the commissioner. The commissioner shall specify the "claims-made"
22 basis only if the contract makes provision for residual "occurrence"
23 coverage upon the retirement, death, disability or removal from this
24 state of the insured. Provision may be made for a premium charge al-
25 locable to any such residual "occurrence" coverage and such premium

26 charges for such residual coverage shall be segregated and separately
27 maintained for such purpose which may include the reinsurance of all
28 or a part of that portion of the risk.

29 4. The rates, rating plans, rating rules, and rating classifications ap-
30 plicable to the insurance written by the association shall be on an actu-
31 arially sound basis, giving due consideration to the group retrospective
32 rating plan and the stabilization reserve fund, and shall be calculated
33 to be self-supporting.

34 5. All policies issued by the association shall be subject to a nonprof-
35 it group retrospective rating plan to be approved by the commissioner
36 under which the final premium for all policyholders of the association,
37 as a group, will be equal to the administrative expenses, loss and loss
38 adjustment expenses and taxes, plus a reasonable allowance for contin-
39 gencies and servicing. Policyholders shall be given full credit for all in-
40 vestment income, net of expenses and a reasonable management fee,
41 on policyholder supplied funds. The standard premium, before retro-
42 spective adjustment, for each policy issued by the association shall be
43 established for portions of the policy period coinciding with the asso-
44 ciation's fiscal year on the basis of the association's rates, rating plans,
45 rating rules, and rating classifications then in effect. The maximum fi-
46 nal premium for all policyholders of the association, as a group, shall
47 be limited as provided in subsection five (5) of section six (6) of this
48 Act. Since the business of the association is subject to the nonprofit
49 group retrospective rating plan required by this subsection, there shall
50 be a presumption that the rates filed and premiums imposed by the as-
51 sociation are not unreasonable or excessive.

52 6. The association shall certify to the commissioner the estimated
53 amount of any deficit remaining after the stabilization reserve fund
54 has been exhausted in payment of the maximum final premium for all
55 policyholders of the association. Within sixty days after that certifica-
56 tion the commissioner shall authorize the members of the association to
57 commence recoupment of their respective shares of the deficit by de-
58 ducting their share of the deficit from past or future premium taxes
59 due the state of Iowa. The association shall amend the amount of its
60 certification of deficit to the commissioner as the values of its incurred
61 losses become finalized and the members of the association shall amend
62 their recoupment procedure accordingly.

63 7. In the event that sufficient funds are not available for the sound
64 financial operation of the association, all members shall contribute to
65 the financial requirements of the association in the manner provided
66 for in section eight (8) of this Act. Any contribution shall be reim-
67 bursed to the members by recoupment as provided in subsection six (6)
68 of this section.

1 **SEC. 6. NEW SECTION. Stabilization reserve fund.**

2 1. There is created a stabilization reserve fund. The fund shall be
3 administered by three directors, one of whom shall be the commission-
4 er. The remaining two directors shall be appointed by the commission-
5 er: One shall be a representative of the association and the other a
6 representative of its policyholders.

7 2. The directors shall act by majority vote with two directors consti-
8 tuting a quorum for the transaction of any business or the exercise of
9 any power of the fund. The directors shall serve without salary, but
10 each director other than the commissioner shall be reimbursed for ac-
11 tual and necessary expenses incurred in the performance of official du-
12 ties as a director. The directors shall not be subject to any personal
13 liability with respect to the administration of the fund for acts or deci-
14 sions made in good faith pursuant to the provisions of this Act.

15 3. Each policyholder shall pay to the association a stabilization re-
16 serve fund charge determined by the directors which shall not exceed
17 the amount of one annual premium due for insurance through the as-
18 sociation. Such charge shall be separately stated in the policy. The as-
19 sociation shall cancel the policy of any policyholder who fails to pay
20 the stabilization reserve fund charge.

21 4. The association shall promptly pay to the fund all stabilization
22 reserve fund charges which it collects from its policyholders and any re-
23 spective premium refunds payable under any group retrospective
24 rating plan approved by the commissioner under the provisions of this
25 Act.

26 5. All monies received by the fund shall be held in trust by a corpo-
27 rate trustee selected by the directors. The corporate trustee may invest
28 the monies held in trust, subject to the approval of the directors. All
29 investment income shall be credited to the fund, and all expenses of
30 administration of the fund shall be charged against the fund. The
31 monies held in trust shall be used solely for the purpose of discharging
32 when due any retrospective premium charges payable by policyholders
33 of the association under the group retrospective rating plan approved
34 by the commissioner. Payment of retrospective premium charges shall
35 be made by the directors upon certification to them by the association
36 of the amount due. If all monies accruing to the fund are finally ex-
37 hausted in payment of retrospective premium charges, all liability and
38 obligations of the association's policyholders with respect to the pay-
39 ment of retrospective premium charges shall thereupon terminate and
40 shall be conclusively presumed to have been discharged. Any monies
41 remaining in the fund after all such retrospective premium charges
42 have been paid shall be returned to policyholders pursuant to proce-
43 dures authorized by the directors.

1 **SEC. 7. NEW SECTION. Procedures.**

2 1. Upon a finding by the commissioner, after notice and opportunity
3 for hearing, that medical malpractice insurance is not available at a
4 reasonable cost for a specific type of licensed health care provider in
5 the voluntary market and upon notification of that finding to the asso-
6 ciation, any licensed health care provider of the type specified in the
7 commissioner's finding shall be entitled to apply to the association for
8 medical malpractice insurance coverage. The application may be made
9 on behalf of a licensed health care provider by an authorized agent.

10 2. If the association determines that the applicant meets the under-
11 writing standards of the association as prescribed in the plan of opera-
12 tion, then the association, upon receipt of the premium or such portion
13 thereof as is prescribed in the plan of operation, shall cause to be is-
14 sued a policy of medical malpractice insurance.

1 **SEC. 8. NEW SECTION. Participation.** All members of the associa-
2 tion shall participate in its writings, expenses, servicing allowance,
3 management fees and losses in the proportion that the net direct pre-
4 miums of each member, excluding that portion of premiums attribut-
5 able to the operation of the association, written during the preceding
6 calendar year bears to the aggregate net direct premiums written in
7 this state by all members of the association. Each member's proportion
8 shall be determined annually on the basis of the annual statements
9 and other reports filed by the insurer with the commissioner.

1 **SEC. 9. NEW SECTION. Governing board.**

2 1. The association shall be governed by a board of eleven directors
3 of whom three shall be appointed annually by the commissioner to rep-
4 resent the licensed health care providers. Eight members shall be elect-

5 ed annually, except as provided in subsection two (2) of this section, by
6 the members of the association. Vacancies on the board shall be filled
7 for the remaining period of the term by majority vote of the remaining
8 directors subject to approval of the commissioner.

9 2. Within fifteen days after the effective date of this Act the com-
10 missioner shall designate a time and place for a meeting of the mem-
11 bers of the association at which the eight elected members serving on
12 the first board shall be elected. The commissioner shall appoint the ap-
13 pointive members of the board on or before the date of such meeting.

14 The commissioner may, prior to the first meeting of the members of
15 the association, appoint an interim governing board of the association
16 consisting of eight member insurers and three representatives of the li-
17 censed health care providers. The eight member insurers of that inter-
18 im governing board shall serve until their successors are elected by the
19 members of the association. In appointing members of the association
20 to the interim governing board, the commissioner shall consider among
21 other things whether all member insurers are fairly represented.

1 **SEC. 10. NEW SECTION. Appeals and judicial review.**

2 1. Any applicant or any person insured pursuant to section seven (7)
3 of this Act, or a legal representative, or any affected insurer, may ap-
4 peal to the commissioner within thirty days after any ruling, action or
5 decision by or on behalf of the association, with respect to those items
6 the plan of operation defines as appealable matters.

7 2. All orders of the commissioner made pursuant to sections two (2)
8 through thirteen (13) of this Act shall be subject to judicial review as
9 provided in the Iowa administrative procedure Act.

1 **SEC. 11. NEW SECTION. Annual statements.** The association
2 shall file in the office of the commissioner on or before the first day of
3 March each year, a statement as prescribed by the commissioner. The
4 statement shall contain matters and information required by the com-
5 missioner including, but not limited to, information with respect to its
6 transactions, condition, operations and affairs during the preceding
7 year, and shall be in a form approved by the commissioner. The com-
8 missioner may, at any time, require the association to furnish addition-
9 al information with respect to matters considered to be material to the
10 scope, operation and experience of the association.

1 **SEC. 12. NEW SECTION. Examinations.** The commissioner shall
2 make an examination of the association at least annually. The expen-
3 ses of each examination shall be paid by the association.

1 **SEC. 13. NEW SECTION. Privileged communications.** There
2 shall be no liability on the part of, and no cause of action of any na-
3 ture shall arise against the association, the commissioner, or any other
4 person or organization, for any statements made in good faith by any
5 of them in any report or communication concerning risks insured or to
6 be insured by the association, or during any proceedings within the
7 scope of sections two (2) through thirteen (13) of this Act.

1 **SEC. 14.** Section one hundred forty-seven point one (147.1), Code
2 1975, is amended by adding the following new subsections:

3 **NEW SUBSECTION.** "Peer review" means evaluation of professional
4 services rendered by a person licensed to practice a profession.

5 **NEW SUBSECTION.** "Peer review committee" means one or more per-
6 sons acting in a peer review capacity who also serve as an officer, direc-
7 tor, trustee, agent, or member of any of the following:

8 a. A state or local professional society of a profession for which there
9 is peer review.

10 b. Any organization approved to conduct peer review by a society as
11 designated in paragraph a of this subsection.

12 c. The medical staff of any licensed hospital.

13 d. An examining board.

1 SEC. 15. Chapter one hundred forty-seven (147), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. A person shall not be civilly liable as a result of acts,
4 omissions, or decisions made in connection with the person's service on
5 a peer review committee. However, such immunity from civil liability
6 shall not apply if an act, omission, or decision is made with malice.

1 SEC. 16. Chapter one hundred forty-seven (147), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. In an action for damages for personal injury against
4 a physician and surgeon, osteopath, osteopathic physician and sur-
5 geon, dentist, podiatrist, optometrist, pharmacist, chiropractor, or
6 nurse licensed to practice that profession in this state, or against a hos-
7 pital licensed for operation in this state, based on the alleged negli-
8 gence of the practitioner in the practice of the profession or
9 occupation, or upon the alleged negligence of the hospital in patient
10 care, in which liability is admitted or established, the damages award-
11 ed shall not include actual economic losses incurred or to be incurred in
12 the future by the claimant by reason of the personal injury, including
13 but not limited to, the cost of reasonable and necessary medical care,
14 rehabilitation services, and custodial care, and the loss of services and
15 loss of earned income, to the extent that those losses are replaced or
16 are indemnified by insurance, or by governmental, employment, or ser-
17 vice benefit programs or from any other source except the assets of the
18 claimant or of the members of the claimant's immediate family.

1 SEC. 17. Chapter one hundred forty-seven (147), Code 1975, is
2 amended by adding thereto the following new section:

3 NEW SECTION. A consent in writing to any medical or surgical proce-
4 dure or course of procedures in patient care which meets the require-
5 ments of this section shall create a presumption that informed consent
6 was given. A consent in writing meets the requirements of this section
7 if it:

8 1. Sets forth in general terms the nature and purpose of the proce-
9 dure or procedures, together with the known risks, if any, of death,
10 brain damage, quadriplegia, paraplegia, the loss or loss of function of
11 any organ or limb, or disfiguring scars associated with such procedure
12 or procedures, with the probability of each such risk if reasonably de-
13 terminable.

14 2. Acknowledges that the disclosure of that information has been
15 made and that all questions asked about the procedure or procedures
16 have been answered in a satisfactory manner.

17 3. Is signed by the patient for whom the procedure is to be per-
18 formed, or if the patient for any reason lacks legal capacity to consent,
19 is signed by a person who has legal authority to consent on behalf of
20 that patient in those circumstances.

1 SEC. 18. Section five hundred nineteen point one (519.1), Code
2 1975, is amended to read as follows:

3 **519.1 Authorization.** Any number of physicians, ~~druggists and~~
4 *surgeons, osteopaths, osteopathic physicians and surgeons, podia-*
5 *trist, chiropractors, pharmacists, dentists, and graduate nurses, li-*
6 *censed to practice their profession in this state, and hospitals licensed*
7 *under chapter one hundred thirty-five B (135B) of the Code, may,*

8 by complying with the provisions of this chapter and without regard to
 9 other statutory provisions, enter into contracts with each other for the
 10 purpose of protecting themselves by insurance against loss by reason of
 11 actions at law on account of their alleged error, mistake, negligence, or
 12 carelessness in the treatment and care of patients, including the perform-
 13 ance of surgical operations, or in the prescribing and dispensing of
 14 drugs and medicines, or for loss by reason of damages in other respects,
 15 and to reimburse any member in case of such loss.

1 SEC. 19. Section five hundred nineteen point two (519.2), Code
 2 1975, is amended to read as follows:

3 **519.2 Incorporation—powers.** All corporations, organized for
 4 the purpose of transacting such insurance business under the provisions
 5 of this chapter, shall incorporate under the provisions of chapter 491,
 6 and be known as mutual corporations; and are hereby empowered to
 7 collect such assessments, or premium payments, provided for in their
 8 articles of incorporation or bylaws, as are required to pay losses and ex-
 9 penses incurred in the conduct of their business *and to cede reinsur-*
 10 *ance.* Such mutual insurance corporations may issue certificates of
 11 membership, or policies; and may provide that all assessments, or pre-
 12 mium payments, payable thereunder, be made in cash, or on the in-
 13 stallment, or assessment plan.

1 SEC. 20. Section five hundred nineteen point five (519.5), Code
 2 1975, is amended to read as follows:

3 **519.5 Conditions.** No such certificate shall be issued by the com-
 4 missioner of insurance until two hundred fifty applications have been
 5 received, ~~representing, in the aggregate, one million dollars of insur-~~
 6 ~~ance,~~ and until the commissioner of insurance has satisfied himself
 7 that such mutual insurance corporation has bona fide applications rep-
 8 representing the number of applicants ~~and the amount of insurance herein~~
 9 required, and that there is in the possession of such mutual insurance
 10 corporation cash assets amounting to not less than ten ~~thousand dollars~~
 11 *times the maximum single retained risk.*

1 SEC. 21. Section five hundred nineteen point six (519.6), Code 1975,
 2 is amended to read as follows:

3 **519.6 Reports.** Such mutual insurance corporations doing busi-
 4 ness under the provisions of this chapter shall, annually, ~~in the month~~
 5 ~~of January before the first day of March,~~ report to the commissioner
 6 of insurance, upon blanks furnished by him, the same facts, so far as
 7 applicable, as are required to be furnished by mutual insurance associa-
 8 tions under the statutes of Iowa, which report shall be tabulated by the
 9 commissioner of insurance and published by him in the annual report
 10 on insurance.

1 SEC. 22. Section five hundred nineteen point eight (519.8), Code
 2 1975, is amended to read as follows:

3 **519.8 Cancellation of policy.** Any certificate of membership, or
 4 policy, issued by such a mutual insurance corporation may be canceled
 5 by the corporation by giving *five thirty days'* written notice thereof to
 6 the insured; or such cancellation may be upon demand of the insured;
 7 and such cancellation, when so made, either by the corporation or by
 8 the insured, shall be upon a pro rata basis, and the cancellation of such
 9 certificate or policy shall release the member from all other future obli-
 10 gations to such corporation.

1 SEC. 23. Section five hundred nineteen point nine (519.9), Code
 2 1975, is amended to read as follows:

3 **519.9 Fees.** Such a mutual insurance corporation shall pay the
4 same fees for admission into the state, for annual reports, and for an-
5 nual certificates of authority as are required to be paid by domestic
6 mutual companies organized and doing business under chapter 515;
7 such certificate shall expire ~~March 1~~ *May first* of the year following
8 the date of its issue.

1 SEC. 24. Section five hundred nineteen point twelve (519.12), Code
2 1975, is amended to read as follows:

3 **519.12 Foreign companies.** Any mutual insurance association
4 organized under the laws of any other state, for the purpose of trans-
5 acting the kind of business described in this chapter, and which has
6 ~~been in business not less than one year, and has on hand cash assets in~~
7 ~~an amount of surplus amounting to~~ not less than ten thousand dollars
8 *times the maximum single retained risk*, and has not less than ~~three~~
9 *two hundred fifty* members, ~~shall~~ *may* upon application, be admitted
10 to do business in this state *if the commissioner finds such admission*
11 *is in the public interest*; and shall thereafter make all reports and be
12 subject to taxation, examination, and supervision by the commissioner
13 of insurance to the same extent and in the same manner as are domes-
14 tic corporations organized under the provisions of this chapter.

1 SEC. 25. Chapter one hundred forty-seven (147), Code 1975, is
2 amended by adding the following new section:

3 NEW SECTION. In any action for personal injury or wrongful death
4 against any physician and surgeon, osteopath, osteopathic physician
5 and surgeon, dentist, podiatrist, optometrist, pharmacist, chiropractor
6 or nurse licensed under this chapter or against any hospital licensed
7 under chapter one hundred thirty-five B (135B) of the Code, based
8 upon the alleged negligence of the licensee in the practice of that pro-
9 fession or occupation, or upon the alleged negligence of the hospital in
10 patient care, the court shall determine the reasonableness of any con-
11 tingent fee arrangement between the plaintiff and the plaintiff's attor-
12 ney.

1 SEC. 26. Section six hundred fourteen point one (614.1), Code 1975,
2 is amended by adding the following new subsection:

3 NEW SUBSECTION. Malpractice. Those founded on injuries to the
4 person or wrongful death against any physician and surgeon, osteo-
5 path, osteopathic physician and surgeon, dentist, podiatrist, optome-
6 trist, pharmacist, chiropractor, or nurse, licensed under chapter one
7 hundred forty-seven (147) of the Code, or a hospital licensed under
8 chapter one hundred thirty-five B (135B) of the Code, arising out of
9 patient care, within two years after the date on which the claimant
10 knew, or through the use of reasonable diligence should have known,
11 or received notice in writing of the existence of, the injury or death for
12 which damages are sought in the action, whichever of the dates occurs
13 first, but in no event shall any action be brought more than six years
14 after the date on which occurred the act or omission or occurrence al-
15 leged in the action to have been the cause of the injury or death unless
16 a foreign object unintentionally left in the body caused the injury or
17 death.

1 SEC. 27. Chapter six hundred nineteen (619), Code 1975, is amend-
2 ed by adding the following new section:

3 NEW SECTION. In an action for personal injury or wrongful death
4 against a physician and surgeon, osteopath, osteopathic physician and
5 surgeon, dentist, podiatrist, optometrist, pharmacist, chiropractor, or
6 nurse licensed to practice that profession in this state, or against a hos-

7 pital licensed for operation in this state, based upon the alleged negli-
 8 gence of the practitioner in the practice of the profession or
 9 occupation, or upon the alleged negligence of the hospital in patient
 10 care, the amount of money damages demanded shall not be stated in
 11 the petition, or original notice, or in any counterclaim or cross peti-
 12 tion.

Approved June 30, 1975

CHAPTER 240

ELECTRONIC BANKING

S. F. 536

AN ACT relating to the use of electronic facilities and electronic transfers of funds by banks, credit unions and savings and loan associations.

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

1 SECTION 1. Section five hundred twenty-four point eight hundred
 2 three (524.803), subsection one (1), Code 1975, is amended by adding
 3 the following new paragraph:

4 NEW PARAGRAPH. Subject to the prior approval of the superinten-
 5 dent, acquire and hold shares in a corporation engaged in providing
 6 and operating facilities through which banks and customers may en-
 7 gage, by means of either the direct transmission of electronic impulses
 8 to and from a bank or the recording of electronic impulses or other in-
 9 dicia of a transaction for delayed transmission to a bank, in transac-
 10 tions in which such banks are otherwise permitted to engage pursuant
 11 to applicable law.

1 SEC. 2.

2 1. Except as provided in subsection two (2) of this section, public
 3 funds which are required by section four hundred fifty-three point one
 4 (453.1) of the Code to be deposited in banks shall not be deposited with
 5 any state or federal bank which utilizes a satellite facility as defined in
 6 section six (6) of this Act if that satellite facility is located at a place
 7 other than either the principal place of business or a lawful business of-
 8 fice of that bank. Upon a determination by the treasurer of state that
 9 any state or federal depository bank is in violation of this subsection,
 10 the treasurer of state shall notify the affected governing bodies speci-
 11 fied in section four hundred fifty-three point one (453.1) of the Code,
 12 and each governing body shall forthwith approve and order the trans-
 13 fer of public funds to another bank.

14 2. The prohibition contained in subsection one (1) of this section
 15 shall not apply to any bank participating in an experimental plan ap-
 16 proved by the superintendent of banking. The superintendent of bank-
 17 ing or the supervisor of state chartered savings and loan associations
 18 may approve a limited number of experimental plans submitted by one
 19 or more banks, savings and loan associations or credit unions, or any
 20 combination thereof, for the experimental operation on a limited scope
 21 of satellite facilities as defined in section six (6) of this Act which are
 22 located at places other than the principal places of business and busi-
 23 ness offices of such financial institutions. A plan may not be approved
 24 by the superintendent of banking to permit the operation of such satel-

25 lite facilities after the first day of January, 1976. Each bank wishing to
 26 participate in such a plan shall agree as a condition of that participa-
 27 tion to disclose to the superintendent of banking upon request any in-
 28 formation obtained by that bank as a result of that participation which
 29 the superintendent of banking deems useful to a determination of the
 30 feasibility of authorizing the use of satellite facilities in this state on a
 31 general basis.

32 3. The superintendent of banking shall submit to the general assem-
 33 bly not later than the first day of February, 1976, a report of the oper-
 34 ation of any experimental satellite facilities pursuant to subsection two
 35 (2) of this section, which report shall include findings and recommen-
 36 dations of the superintendent with respect to the potential uses of sat-
 37 ellite facilities in this state.

38 4. This section is repealed effective the first day of July, 1976.

1 SEC. 3. It shall be unlawful for any person other than a bank, sav-
 2 ings and loan association or credit union incorporated or chartered un-
 3 der the laws of this state or of the United States to possess, maintain or
 4 permit on premises occupied by that person any terminal or installa-
 5 tion of a satellite facility as defined in section six (6) of this Act if by
 6 means of that facility customers of that person or of a bank, savings
 7 and loan association or credit union utilizing that satellite facility are
 8 enabled to engage in transactions constituting or incidental to the con-
 9 duct of the business of a bank, savings and loan association or credit
 10 union. This section shall not apply to any person who has received ex-
 11 press approval from the superintendent of banking to possess, main-
 12 tain, use or permit the use of a satellite facility pursuant to an
 13 experimental plan of operation approved by the superintendent. The
 14 superintendent of banking or the supervisor of state chartered savings
 15 and loan associations may approve a limited number of experimental
 16 plans submitted by one or more banks, savings and loan associations or
 17 credit unions, or any combination thereof, for the experimental opera-
 18 tion on a limited scope of satellite facilities as defined in section six (6)
 19 of this Act which are located at places other than the principal places
 20 of business and business offices of such financial institutions. A plan
 21 may not be approved by the superintendent of banking to permit the
 22 operation of such satellite facilities after the first day of January, 1976.
 23 This section is repealed effective the first day of July, 1976.

1 SEC. 4. Chapter five hundred twenty-four (524), Code 1975, is
 2 amended by adding to division eight (VIII) the following new section:

3 NEW SECTION. **Electronic transmission of funds—restrictions.**

4 1. A state bank may engage in any transaction incidental to the con-
 5 duct of the business of banking and otherwise permitted by applicable
 6 law, by means of either the direct transmission of electronic impulses
 7 to or from customers and banks or the recording of electronic impulses
 8 or other indicia of a transaction for delayed transmission to a bank.
 9 Subject to the provisions of sections eight (8) through twelve (12) of this
 10 Act, a state bank may utilize, establish or operate, alone or with one or
 11 more other banks, savings and loan associations incorporated under the
 12 provisions of chapter five hundred thirty-four (534) of the Code or the
 13 Home Owners' Loan Act of 1933 (12 U.S.C. sections 1461-1468), credit
 14 unions incorporated under the provisions of chapter five hundred thirty-
 15 three (533) of the Code or the Federal Credit Union Act (12 U.S.C.
 16 sections 1751-1790), or third parties, terminals or other facilities adapt-
 17 able to shared usage by means of which customers and banks may
 18 transmit and receive electronic impulses constituting transactions pur-
 19 suant to this section. No terminal or other facility utilized pursuant to

20 this section shall be designed in such a manner as to be capable of pro-
21 viding a user thereof, other than a bank, with information concerning
22 the account of any person with the bank, unless such information is es-
23 sential to complete or prevent the completion of the transaction then
24 being engaged in through the use of that terminal or facility. Nothing
25 in this section shall be construed as authority for any person to engage
26 in transactions not otherwise permitted by applicable law, nor shall
27 anything in this section be deemed to repeal, replace or in any other
28 way affect any applicable law or rule regarding the maintenance of or
29 access to financial information maintained by any bank.

30 2. A state bank which offers its customers, or any of them, the op-
31 portunity to engage in transactions with or through the bank in the
32 manner authorized by subsection one (1) of this section shall not re-
33 quire any customer to deal with or through the bank in that manner in
34 lieu of writing checks in the usual manner upon a conventional check-
35 ing account, nor impose any extraordinary charge upon customers who
36 choose to write checks in the usual manner upon a conventional check-
37 ing account maintained at that bank.

1 SEC. 5. Section five hundred twenty-four point nine hundred one
2 (524.901), subsection three (3), paragraph d, Code 1975, is amended to
3 read as follows:

4 d. Shares in a corporation which the state bank is authorized to ac-
5 quire and hold pursuant to section 524.803, subsection 1, paragraphs
6 "c" and, "d" and section one (1) of this Act.

1 SEC. 6. Section five hundred twenty-four point one thousand two
2 hundred four (524.1204), Code 1975, is amended by striking the section
3 and inserting in lieu thereof the following:

4 **524.1204 Certain terms defined.** As used in sections eight (8)
5 through thirteen (13) of this Act:

6 1. "Satellite facility" means a terminal or other facility or installa-
7 tion, attended or unattended, which is not located at the principal
8 place of business or at an office of a bank and through which customers
9 and banks may engage, by means of either the direct transmission of
10 electronic impulses to and from a bank or the recording of electronic
11 impulses or other indicia of a transaction for delayed transmission to a
12 bank, in transactions which are incidental to the conduct of the busi-
13 ness of banking and which are otherwise permitted by law. The term
14 "satellite facility" also includes all equipment, regardless of location,
15 which is interconnected with a satellite facility, as described in this
16 subsection, and which is necessary to transmit, route and process elec-
17 tronic impulses in order to enable the satellite facility to perform any
18 function for which it is designed.

19 2. "Iowa bank" means a state bank as defined in section five
20 hundred twenty-four point one hundred three (524.103), subsection
21 nineteen (19) of the Code, or a national bank which has its principal
22 place of business within this state.

1 SEC. 7. Chapter five hundred twenty-four (524), Code 1975, is
2 amended by adding to division twelve (XII) sections eight (8) through
3 thirteen (13) of this Act.

1 SEC. 8. NEW SECTION. **Location of satellite facilities.** Any state
2 bank may utilize a satellite facility at any location within this state,
3 and at any other location permitted by applicable law. A satellite fa-
4 cility authorized by sections eight (8) through twelve (12) of this Act
5 shall not be subject to the restrictions on location or number set forth
6 in section five hundred twenty-four point one thousand two hundred

7 two (524.1202) of the Code, and shall not require the prior approval of
8 the superintendent, except to the extent required by section ten (10) of
9 this Act. Any transaction engaged in through the use of a satellite fa-
10 cility shall be deemed to take place at the principal place of business
11 of a bank whose accounts and records are affected by the transaction.

1 SEC. 9. NEW SECTION. **Utilization of satellite facilities.** A satel-
2 lite facility, located so as to be generally accessible to persons other
3 than employees of a bank or an affiliate of a bank, may not be utilized
4 within this state by a bank other than an Iowa bank, except that any
5 other bank may utilize a satellite facility which is so located with the
6 consent of an Iowa bank which is concurrently utilizing the same satel-
7 lite facility.

1 SEC. 10. NEW SECTION. **Satellite facility requirements.** A satel-
2 lite facility may be utilized by one or more banks as authorized by sec-
3 tions eight (8) through twelve (12) of this Act only if the satellite
4 facility is maintained in compliance with applicable rules promulgated
5 by the superintendent and meets all of the following requirements:

6 1. The satellite facility is available for use, on a nondiscriminatory
7 basis, by any Iowa bank and by all customers designated by any bank
8 which uses the satellite facility.

9 2. An informational statement has been filed and is maintained on a
10 current basis with the superintendent by the owner or bank establishing
11 any satellite facility which will be available for use by customers of
12 any bank, setting forth all of the following:

13 a. The name and business address of the owner;

14 b. The name of each bank utilizing the satellite facility;

15 c. The location of the satellite facility;

16 d. A schedule of the charges which will be required to be paid by
17 any bank utilizing the satellite facility; and

18 e. An agreement with the superintendent that the owner or bank fil-
19 ing the statement will comply with the provisions of this section with
20 respect to the satellite facility.

21 3. The satellite facility, if it is in a location generally accessible to
22 persons other than employees of a bank or an affiliate of a bank, is not
23 at any time operated by an employee of any bank or of an affiliate of
24 any bank except for the purpose of instructing customers, on a tempo-
25 rary basis, in the use of the satellite facility, for the purpose of testing
26 the facility, or for the purpose of transacting business with the bank or
27 another customer on the employee's own behalf.

28 4. The satellite facility, if it is in a location accessible to persons
29 other than employees of a bank or an affiliate of a bank, bears a sign
30 or label identifying each bank or group of banks utilizing the terminal
31 or other facility, with the identification of each such bank or group of
32 banks being substantially similar in size and clarity.

33 5. The charges required to be paid by any bank which utilizes the
34 satellite facility shall not exceed a pro rata portion of the costs, deter-
35 mined in accordance with generally accepted accounting principles, of
36 establishing, operating and maintaining the satellite facility, plus a
37 reasonable return on these costs to the owner of the satellite facility.

38 6. If the superintendent finds grounds, under any applicable law or
39 rule, for denying utilization of a satellite facility in accordance with
40 the arrangement described in an informational statement or amend-
41 ment thereto filed in accordance with subsection two (2) of this section,
42 he shall notify the person filing the informational statement or amend-
43 ment, within thirty days of the filing thereof, of the existence of such
44 grounds. If such notification is not given by the superintendent, he

45 shall be considered to have expressly approved the utilization and ar-
46 rangement described in the informational statement or amendment,
47 and utilization of the satellite facility in accordance therewith may
48 commence on or after the thirtieth day following such filing.

49 7. The superintendent shall have the power to adopt and promul-
50 gate rules pursuant to chapter seventeen A (17A) of the Code as in his
51 opinion will be necessary to properly and effectively carry out and en-
52 force the provisions of sections eight (8) through twelve (12) of this Act.

53 In adopting, amending and repealing rules the superintendent shall
54 take into consideration any rules maintained by federal agencies which
55 are applicable to the operation of satellite facilities by national banks,
56 and may maintain uniformity of Iowa rules with those federal rules,
57 except to the extent uniformity would be inconsistent with the purpos-
58 es, policies and provisions of this Act.

1 SEC. 11. NEW SECTION. **Records maintained.** All transactions
2 engaged in through a satellite facility utilized pursuant to sections
3 eight (8) through twelve (12) of this Act shall be recorded in a form
4 from which it will be possible to produce a humanly readable record of
5 any transaction, and these recordings shall be retained by the utilizing
6 bank for the periods required by law. A written record of any transac-
7 tion shall be provided by any bank which is a party to the transaction
8 upon the request of a customer who is a party to the transaction or
9 upon the request of the superintendent, provided that, unless the su-
10 perintendent is entitled by a rule or law other than this section to ob-
11 tain a written record of a transaction, he or she shall not be provided
12 with such a written record without the written consent of a customer
13 who is a party to the transaction.

14 The superintendent may provide by rule for the recording and main-
15 tenance by any bank utilizing a satellite facility of any amounts in-
16 volved in a transaction engaged in through the satellite facility which
17 are of a known tax consequence to the customer initiating the transac-
18 tion. For the purposes of this paragraph "known tax consequences"
19 means and includes but shall not be limited to the following:

20 (1) An amount directly or indirectly received from a customer and
21 applied to a loan account of the customer which represents interest
22 paid by the customer to the bank.

23 (2) In any transaction where the total amount involved is deducted
24 from funds in a customer's account and is simultaneously paid either
25 directly or indirectly by the bank to the account of a third party, any
26 portion of the transaction amount which represents a sales or other tax
27 imposed upon or included within the transaction and collected by that
28 third party from the customer, or any portion of the transaction
29 amount which represents interest paid to the third party by the cus-
30 tomer.

31 (3) Any other transaction which the superintendent determines to
32 have direct tax consequences to the customer. The superintendent also
33 may provide for the periodic distribution to customers of summaries of
34 transactions having known tax consequences.

1 SEC. 12. NEW SECTION. **What deemed affiliates.** For the purpos-
2 es of sections eight (8) through twelve (12) of this Act, a corporation,
3 trust, estate, association or other similar organization shall be consid-
4 ered an affiliate of any bank of which it would be an affiliate under
5 section five hundred twenty-four point one thousand one hundred one
6 (524.1101) of the Code if that bank were a state bank.

1 **SEC. 13. NEW SECTION. Privileges extended to national**
2 **banks.** The privileges extended to state banks by sections five
3 hundred twenty-four point one thousand two hundred one (524.1201),
4 five hundred twenty-four point one thousand two hundred two
5 (524.1202) of the Code, and sections eight (8) through twelve (12) of this
6 Act shall be available on the same conditions to national banks to the
7 extent that they are so authorized by federal law.

1 **SEC. 14.** Chapter five hundred twenty-four (524), Code 1975, is
2 amended by adding to division twelve (XII) the following new section:

3 **NEW SECTION.** A bank shall be liable to each of its customers for all
4 losses incurred by such customer as a result of the transmission or re-
5 cording of electronic impulses as a part of a transaction not authorized
6 by such customer or to which the customer was not a party, provided,
7 however, that liability pursuant to this section shall be limited to losses
8 in excess of fifty dollars in the event the bank has provided the cus-
9 tomer with a physical object or other method of engaging in a transac-
10 tion utilizing electronic impulses which is unique to the customer, and
11 the physical object or other method of engagement has been lost,
12 stolen or otherwise compromised without the customer having notified
13 the bank of such loss, theft or compromise prior to the time of the
14 transaction causing the loss to the customer.

1 **SEC. 15.** Section five hundred thirty-three point four (533.4), Code
2 1975, is amended by adding the following new subsections:

3 **NEW SUBSECTION.** Subject to the prior approval of the superinten-
4 dent, acquire and hold shares in a corporation engaged in providing
5 and operating facilities through which a credit union and its members
6 may engage, by means of either the direct transmission of electronic
7 impulses to and from the credit union or the recording of electronic im-
8 pulses or other indicia of a transaction for delayed transmission to the
9 credit union, in transactions in which such credit union is otherwise
10 permitted to engage pursuant to applicable law.

11 **NEW SUBSECTION.** Engage in any transaction otherwise permitted by
12 this chapter and applicable law, by means of either the direct transmis-
13 sion of electronic impulses to or from the credit union or the recording
14 of electronic impulses or other indicia of a transaction for delayed
15 transmission to the credit union. Subject to such rules as may be pro-
16 mulgated by the superintendent, a credit union may utilize, establish
17 or operate, alone or with one or more other credit unions, banks incor-
18 porated under the provisions of chapter five hundred twenty-four (524)
19 of the Code or the national banking acts (12 U.S.C. sections 21-95),
20 savings and loan associations incorporated under the provisions of
21 chapter five hundred thirty-four (534) of the Code or the Home Own-
22 ers' Loan Act of 1933 (12 U.S.C. sections 1461-1468) or third parties, ter-
23 minals or other facilities adaptable to shared usage, by means of which
24 the credit union may transmit to or receive from any member electron-
25 ic impulses constituting transactions pursuant to this subsection. No
26 terminal or other facility utilized pursuant to this subsection shall be
27 designed in such a manner as to be capable of providing a user thereof,
28 other than a savings and loan association, with information concerning
29 the account of any person with the savings and loan association, unless
30 such information is essential to complete or prevent the completion of
31 the transaction then being engaged in through the use of that terminal
32 or facility. Nothing in this subsection shall be construed as authority
33 for any person to engage in transactions not otherwise permitted by
34 applicable law, nor shall anything in this subsection be deemed to re-
35 peal, replace or in any other way affect any applicable law or rule re-

36 guarding the maintenance of or access to financial information
37 maintained by any savings and loan association.

38 NEW SUBSECTION. A savings and loan association shall be liable to
39 each of its customers for all losses incurred by such customer as a result
40 of the transmission or recording of electronic impulses as a part of a
41 transaction not authorized by such customer or to which the customer
42 was not a party, provided, however, that liability pursuant to this sub-
43 section shall be limited to losses in excess of fifty dollars in the event
44 the savings and loan association has provided the customer with a
45 physical object or other method of engaging in a transaction utilizing
46 electronic impulses which is unique to the customer and the physical
47 object or other method of engagement has been lost, stolen or other-
48 wise compromised without the customer having notified the savings
49 and loan association of such loss, theft or compromise prior to the time
50 of the transaction causing the loss to the customer.

1 SEC. 16. Section five hundred thirty-four point seventeen (534.17),
2 Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Subject to the prior approval of the supervisor, in
4 shares in a corporation engaged solely in providing and operating fa-
5 cilities through which an association and its members may engage, by
6 means of either the direct transmission of electronic impulses to and
7 from the association or the recording of electronic impulses or other in-
8 dicia of a transaction for delayed transmission to the association, in
9 transactions in which such association is otherwise permitted to engage
10 pursuant to applicable law.

1 SEC. 17. Section five hundred thirty-four point nineteen (534.19),
2 Code 1975, is amended by adding the following new subsections:

3 NEW SUBSECTION. Engage in any transaction otherwise permitted by
4 this chapter and applicable law, by means of either the direct transmis-
5 sion of electronic impulses to or from the association or the recording
6 of electronic impulses or other indicia of a transaction for delayed
7 transmission to the association. Subject to such rules as may be pro-
8 mulgated by the supervisor, an association may utilize, establish or op-
9 erate, alone or with one or more other associations, banks incorporated
10 under the provisions of chapter five hundred twenty-four (524) of the
11 Code or the national banking acts (12 U.S.C. sections 21-95), credit
12 unions incorporated under the provisions of chapter five hundred thirty-
13 three (533) of the Code or the Federal Credit Union Act (12 U.S.C.
14 sections 1751-1790) or third parties, terminals or other facilities adapt-
15 able to shared usage, by means of which the association may transmit
16 to or receive from any member electronic impulses constituting transac-
17 tions pursuant to this subsection. No terminal or other facility utilized
18 pursuant to this subsection shall be designed in such a manner as to be
19 capable of providing a user thereof, other than a credit union, with in-
20 formation concerning the account of any person with the credit union,
21 unless such information is essential to complete or prevent the comple-
22 tion of the transaction then being engaged in through the use of that
23 terminal or facility. Nothing in this subsection shall be construed as
24 authority for any association or other person to engage in transactions
25 not otherwise permitted by applicable law, nor shall anything in this
26 subsection be deemed to repeal, replace or in any other way affect any
27 applicable law or rule regarding the maintenance of or access to finan-
28 cial information maintained by any credit union.

29 NEW SUBSECTION. A credit union shall be liable to each of its cus-
30 tomers for all losses incurred by such customer as a result of the trans-
31 mission or recording of electronic impulses as a part of a transaction

32 not authorized by such customer or to which the customer was not a
 33 party, provided, however, that liability pursuant to this subsection
 34 shall be limited to losses in excess of fifty dollars in the event the cred-
 35 it union has provided the customer with a physical object or other
 36 method of engaging in a transaction utilizing electronic impulses which
 37 is unique to the customer and the physical object or other method of
 38 engagement has been lost, stolen or otherwise compromised without the
 39 customer having notified the credit union of such loss, theft or compro-
 40 mise prior to the time of the transaction causing the loss to the custom-
 41 er.

Approved June 27, 1975

CHAPTER 241

CREDIT UNIONS

S. F. 39

AN ACT relating to the organization, powers and duties of credit unions.

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

1 SECTION 1. Section five hundred thirty-three point one (533.1), sub-
 2 section one (1), paragraph c, Code 1975, is amended to read as follows:
 3 c. The par value of the shares of the credit union which shall be
 4 ~~five dollars each~~ *not exceed twenty-five dollars each and shall be es-*
 5 *tablished by the board of directors. A credit union may have more*
 6 *than one class of shares.*

1 SEC. 2. Section five hundred thirty-three point two (533.2), Code
 2 1975, is amended to read as follows:
 3 **533.2 Amendments.** The articles of incorporation or the bylaws
 4 may be amended by a favorable vote of ~~three-fourths~~ *a majority* of
 5 the members present at any meeting, which number must constitute a
 6 quorum provided the proposed amendment was contained in the notice
 7 of the meeting. Any and all such amendments must be approved by
 8 the superintendent of banking before they become effective.

1 SEC. 3. Section five hundred thirty-three point four (533.4), Code
 2 1975, is amended by striking paragraphs g and h of subsection five (5)
 3 and inserting in lieu thereof the following:
 4 g. Capital shares, obligations, or preferred stock issues of an agency
 5 or association organized either as a stock company, mutual association,
 6 or membership corporation, if the membership or stockholdings, as the
 7 case may be, of the agency or association are primarily confined or re-
 8 stricted to credit unions or organizations of credit unions, and if the
 9 purposes for which the agency or association is organized are primarily
 10 designed to provide services to credit unions. However, the aggregate
 11 amount invested pursuant to this subsection shall not exceed twenty
 12 percent of the unimpaired legal reserve account of the credit union.

1 SEC. 4. Section five hundred thirty-three point four (533.4), Code
 2 1975, is amended by adding the following new subsections:
 3 NEW SUBSECTION. Upon the approval of the superintendent of bank-
 4 ing, serve an employee group having an insufficient number of mem-
 5 bers to form or conduct the affairs of a separate credit union.

6 NEW SUBSECTION. Deposit with a credit union which has been in exist-
7 tence for not more than a year an amount not to exceed twenty-five
8 percent of the assets of the new credit union, but only one credit union
9 may at any time make the deposit.

10 NEW SUBSECTION. Acquire the conditional sales contracts, promissory
11 notes or other similar instruments executed by its members, but the
12 rate of interest existing on the instrument shall not exceed the highest
13 rate charged by the acquiring credit union on its outstanding loans.

14 NEW SUBSECTION. Discount and sell obligations which are due for ag-
15 ricultural loans, student loans, home improvement loans, and consum-
16 er loans, without recourse.

1 SEC. 5. Section five hundred thirty-three point five (533.5), Code
2 1975, is amended to read as follows:

3 **533.5 Membership.** Credit union membership shall consist of the
4 incorporators and such other persons as may be elected to membership
5 and subscribe for at least one share, pay the installment thereon and
6 the entrance fee, *if any*. Organizations, incorporated or otherwise,
7 composed for the most part of the same general group as the credit
8 union membership may be members. Credit union organization shall
9 be limited to groups having a common bond of occupation or associa-
10 tion or to groups within a well-defined neighborhood, community, or
11 rural district. *If adopted as a policy by the board of directors of a*
12 *credit union, members who are no longer included in the common*
13 *bond of association may retain their credit union membership and*
14 *all membership privileges.*

1 SEC. 6. Section five hundred thirty-three point six (533.6), subsec-
2 tion two (2), Code 1975, is amended by adding the following new un-
3 numbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. The superintendent of banking may
5 accept, in lieu of the annual examination of a credit union, an audit
6 report conducted by a certified public accounting firm selected from a
7 list of firms previously approved by the superintendent of banking.
8 The cost of the audit shall be paid by the credit union.

1 SEC. 7. Section five hundred thirty-three point nine (533.9), un-
2 numbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 Within five days following the organization meeting and each annual
5 meeting the directors shall elect from their own number a ~~presi-~~
6 ~~dent, vice president, treasurer and secretary~~ *chairman of the board,*
7 *vice chairman, president and secretary,* of whom the last two may be
8 the same individual, and also a credit committee of not less than three
9 members and an auditing committee of not less than three members,
10 and may also elect alternate members of the credit committee. It shall
11 be the duty of the directors to have general management of the affairs
12 of the credit union, particularly to:

1 SEC. 8. Section five hundred thirty-three point nine (533.9), un-
2 numbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 The duties of the officers shall be determined in the bylaws, except
5 that the ~~treasurer~~ *president* shall be the general manager. No member
6 of the board or of either committee shall, as such, be compensated.

1 SEC. 9. Section five hundred thirty-three point ten (533.10), Code
2 1975, is amended to read as follows:

3 **533.10 Credit committee.** The credit committee shall have the
4 general supervision of all loans to members. Applications for loans
5 shall be on a form, prepared by the credit committee, and all applica-
6 tions shall set forth the purpose for which the loan is desired, the secu-
7 rity, if any, offered, and such other data as may be required. Within
8 the meaning of this section an assignment of shares or deposits or the
9 endorsement of a note may be deemed security. At least a majority of
10 the members of the credit committee shall pass on all loans and may
11 grant approval thereof, provided, however, that the credit committee
12 of a credit union, with the approval of the board of directors, may ap-
13 point one or more loan officers, who may be the ~~treasurer or assistant~~
14 ~~treasurer president or vice president~~, and delegate to him or them,
15 subject to conditions and regulations of the credit committee, power to
16 approve ~~or reject~~ loans ~~up to the maximum which can be made with-~~
17 ~~out security, or in excess of such limit if such excess is fully secured by~~
18 ~~shares. Each loan officer shall furnish to the credit committee a record~~
19 ~~of each loan approved or not approved by him within seven days of~~
20 ~~the date of the filing of the application therefor. All loans not ap-~~
21 ~~proved by a loan officer shall be acted upon by the credit committee.~~
22 The credit committee shall meet as often as may be necessary after due
23 notice to each member.

1 SEC. 10. Section five hundred thirty-three point sixteen (533.16),
2 unnumbered paragraph one (1), Code 1975, is amended to read as fol-
3 lows:

4 A credit union may loan to members. Loans must be for a provident
5 or productive purpose and are made subject to the conditions con-
6 tained in the bylaws. A borrower may repay his loan in whole or in
7 part any day the office of the credit union is open for business. ~~No di-~~
8 ~~rector, officer, or member of committee may borrow from the credit~~
9 ~~union in which he holds office beyond the amount of his holdings in it~~
10 ~~in shares and deposits, nor may he endorse for borrowers. A director of~~
11 ~~a credit union may borrow from that credit union under the provi-~~
12 ~~sions of this chapter, but the loan shall not be made on terms more~~
13 ~~favorable than those extended to other members and shall be made~~
14 ~~only after the approval by the board of directors at a regular or spe-~~
15 ~~cial meeting. The director making application for the loan shall not~~
16 ~~be in attendance at the time the board of directors considers his ap-~~
17 ~~plication and shall not take part in the consideration. The loan~~
18 ~~shall be made only if the director has submitted a detailed current~~
19 ~~financial statement. The aggregate amount of director loans shall~~
20 ~~not exceed twenty percent of the assets of the credit union. Loans se-~~
21 ~~cured by a mortgage or deed of trust upon real property may be made~~
22 ~~only on unencumbered property located in Iowa and in bordering~~
23 ~~counties of adjacent states and every such loan shall comply with one~~
24 of the following conditions:

1 SEC. 11. Section five hundred thirty-three point sixteen (533.16),
2 unnumbered paragraph two (2), Code 1975, is amended to read as fol-
3 lows:

4 The foregoing restrictions or limitations shall not prevent the renew-
5 al or extension of loans and shall not apply to loans which are secured
6 under the provisions of the national housing Act, as amended. *The*
7 *board of directors of a credit union possessing assets of at least five*
8 *hundred thousand dollars may set maturity schedules for real prop-*
9 *erty loans not to exceed twenty-five years. The value of the property*
10 *given as security must be determined by an independent appraiser*
11 *and the maximum loan must not exceed ninety percent of the ap-*

12 *praised value. However, the maximum real property loan balances*
 13 *of this type in the credit union shall not exceed fifteen percent of*
 14 *the aggregate total of the member share and deposit accounts.*

1 SEC. 12. Section five hundred thirty-three point seventeen (533.17),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **533.17 Reserves.**

5 1. A portion of the gross earnings, as determined before payment of
 6 each dividend, shall be set aside as a legal reserve as follows:

7 a. Ten percent of gross income until the legal reserve equals seven
 8 and one-half percent of the total of outstanding loans and risk assets;
 9 then

10 b. Five percent of gross income until the legal reserve equals ten
 11 percent of the total of outstanding loans and risk assets.

12 Whenever the legal reserve falls below ten percent or seven and one-
 13 half percent of the total of outstanding loans and risk assets, as the
 14 case may be, the difference shall be replaced by regular contributions
 15 in order to maintain the seven and one-half percent or ten percent re-
 16 serve. Any entrance fees, charges and transfer fees shall, after payment
 17 of organization expenses, be added to the legal reserve. The legal re-
 18 serve shall belong to the credit union and shall be used to meet losses
 19 except those resulting from an excess of expenses over income. The re-
 20 serve shall not be distributed except on liquidation of the credit union
 21 or in accordance with a plan approved by the superintendent of bank-
 22 ing.

23 2. For the purpose of establishing legal reserves, the following shall
 24 not be considered risk assets:

25 a. Cash on hand.

26 b. Deposits and shares in federal or state banks, savings and loan
 27 associations, and credit unions.

28 c. Assets which are insured by, fully guaranteed as to principal and
 29 interest by, or due from the United States government.

30 d. Loans to other credit unions.

31 e. Student loans insured under the provisions of Title twenty (XX),
 32 United States Code, section one thousand seventy-one (1071) through
 33 section one thousand eighty-seven (1087) or similar state programs.

34 f. Loans insured by the federal housing administration under Title
 35 twelve (XII), United States Code, section one thousand seven hundred
 36 three (1703).

37 g. Common trust investments which deal in investments authorized
 38 in section five hundred thirty-three point four (533.4) of the Code.

39 h. Prepaid expenses.

40 i. Accrued interest on nonrisk investments.

41 j. Furniture and equipment.

42 k. Land and buildings.

43 3. The superintendent of banking may require a credit union to set
 44 aside additional amounts as a special reserve if an examination of its
 45 assets should disclose that its legal reserve is inadequate.

1 SEC. 13. Section five hundred thirty-three point eighteen (533.18),
 2 Code 1975, is amended by striking the section and inserting in lieu
 3 thereof the following:

4 **533.18 Dividends.**

5 1. At such intervals and for such periods as the board of directors
 6 may authorize, and after transfers to the required reserves, the board
 7 of directors may declare dividends at such rates and upon such classes
 8 of shares as are determined by the board. Such dividends shall be paid

9 on all paid-up shares outstanding at the close of the period for which
10 the dividend is declared.

11 2. Shares which become fully paid up during such dividend period
12 and are outstanding at the close of the period shall be entitled to a
13 proportional share of such dividend.

14 3. Dividend credit for a month may be accrued on shares which are
15 or become fully paid up during the first fifteen days of that month.

1 SEC. 14. Section five hundred thirty-three point nineteen (533.19),
2 Code 1975, is amended to read as follows:

3 **533.19 Expulsion—withdrawal.** A member may be expelled by
4 a ~~two-thirds majority~~ vote of the ~~members present at a special meeting~~
5 ~~called to consider the matter but only after a hearing board of direc-~~
6 ~~tors at a regular or special meeting of the board. The expelled mem-~~
7 ~~ber may request a hearing before the membership of the credit~~
8 ~~union. A meeting of the membership shall be held within sixty days~~
9 ~~of the member's request. The membership may, by majority vote at~~
10 ~~the membership meeting, reinstate the expelled member upon terms~~
11 ~~and conditions prescribed by it.~~ Any member may withdraw from the
12 credit union at any time but notice of withdrawal may be required. All
13 amounts paid on shares or as deposits of an expelled or withdrawing
14 member, with any dividends or interest accredited thereto, to the date
15 thereof, shall, as funds become available and after deducting all
16 amounts due from the member to the credit union, be paid to him.
17 The credit union may require sixty days' notice of intention to with-
18 draw shares and thirty days' notice of intention to withdraw deposits.
19 Withdrawing or expelled members shall have no further rights in the
20 credit union but are not, by such expulsion or withdrawal, released
21 from any remaining liability to the credit union.

1 SEC. 15. Section five hundred thirty-three point thirty (533.30),
2 Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **533.30 Merger.**

5 1. A credit union may, with the approval of the superintendent of
6 banking, merge with another credit union under the existing organiza-
7 tion of the other credit union pursuant to a plan agreed upon by the
8 majority of the board of directors of each credit union joining in the
9 merger and approved by the affirmative vote of a majority of the
10 members of the merging credit unions.

11 2. After agreement by the directors and approval by the members
12 of the merging credit unions, the chairman of the board and secretary
13 of the credit unions shall execute a certificate of merger, which shall
14 state:

15 a. The time and place of the meeting of the board of directors at
16 which the plan was agreed upon.

17 b. The vote in favor of the plan adopted by the boards of the re-
18 spective credit unions.

19 c. A copy of the resolution or other action by which the plan was
20 agreed upon.

21 d. The vote by which the plan was approved by the members.

22 3. The certificate and a copy of the plan of merger agreed upon
23 shall be forwarded to the superintendent of banking, certified by him,
24 and returned to both credit unions within thirty days.

25 4. Upon return of the certificate from the superintendent of bank-
26 ing, all property, property rights, and members' interest of the merged
27 credit union shall vest in the surviving credit union without deed, en-
28 dorsement or other instrument of transfer, and all debts, obligations

29 and liabilities of the merged credit union are assumed by the surviving
 30 credit union under whose charter the merger was effected. The rights
 31 and privileges of the members of the merged credit union shall remain
 32 intact. Credit union membership in the surviving credit union shall be
 33 available to persons within the field of membership of the merged cred-
 34 it union.

35 5. This section shall be construed to permit a credit union orga-
 36 nized under any other statute to merge with one organized under this
 37 chapter, or to permit one organized under this chapter to merge with
 38 one organized under any other statute.

1 SEC. 16. Chapter five hundred thirty-three (533), Code 1975, is
 2 amended by adding the following new section:

3 **NEW SECTION. Corporate central credit union.** A credit union,
 4 in which all credit unions, the credit union league, and its affiliates in
 5 the state of Iowa are eligible for membership, may be established in
 6 this state and shall be known as a corporate central credit union. A cor-
 7 porate central credit union shall have all the powers, rights, restrictions
 8 and obligations imposed upon or granted credit unions established un-
 9 der the provisions of this chapter, except:

10 1. It shall not be required to transfer to the legal reserve of the cor-
 11 poration more than five percent of the corporation's net income for the
 12 year.

13 2. It may buy or sell investment securities and corporate bonds
 14 which are evidences of indebtedness. However, the buying and selling
 15 of such investment securities and corporate bonds shall be limited to
 16 buying and selling without recourse to marketable obligations evidenc-
 17 ing indebtedness of any corporation or state or federal agency, under
 18 further definitions of the term "investment securities" as prescribed by
 19 the superintendent. The total amount of the investment securities of
 20 any one obligor or maker held by the credit union shall at no time ex-
 21 ceed five percent of the shares, undivided earnings and reserves of the
 22 credit union except that this limit shall not apply to obligations of the
 23 federal government. The aggregate total of the investment securities
 24 held by the credit union shall not exceed fifteen percent of the shares,
 25 undivided earnings and reserves of said credit union.

Approved April 8, 1975

CHAPTER 242

FAIR TRADE

S. F. 40

AN ACT relating to fair trade practices.

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

1 SECTION 1. Chapter five hundred fifty (550), Code 1975, is repealed.

Approved February 28, 1975

CHAPTER 243

TRADE PRACTICE ["PITTSBURGH PLUS"]

H. F. 131

AN ACT relating to a committee supervising steel trade practice.

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

1 SECTION 1. Section five hundred fifty-three point twenty-four
2 (553.24), Code 1975, is repealed.

Approved April 16, 1975

CHAPTER 244

MARRIAGE

S. F. 192

AN ACT relating to age requirements of applicants for marriage licenses, and to legitimacy of children born of certain marriages.

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

1 SECTION 1. Section five hundred ninety-five point two (595.2), Code
2 1975, is amended by striking the section and inserting in lieu thereof
3 the following:

4 **595.2 Age.** A marriage between a male and a female each eigh-
5 teen years of age or older is valid. A marriage between a male and a
6 female either or both of whom have not attained that age may be valid
7 under the circumstances prescribed in this section.

8 1. If either party to a marriage falsely represents himself or herself
9 to be eighteen years of age or older at or before the time the marriage
10 is solemnized, the marriage is valid unless the person who falsely repre-
11 sented his or her age chooses to void the marriage by making his or her
12 true age known and verified by a birth certificate or other legal evi-
13 dence of age in an annulment proceeding initiated at any time before
14 he or she reaches his or her eighteenth birthday. A child born of a mar-
15 riage voided under this subsection is legitimate.

16 2. A marriage license may be issued to a male and a female either or
17 both of whom are sixteen or seventeen years of age if:

18 a. The parents of the underaged party or parties certify in writing
19 that they consent to the marriage. If one of the parents of any under-
20 aged party to a proposed marriage is dead or incompetent the certifi-
21 cate may be executed by the other parent, if both parents are dead or
22 incompetent the guardian of the underaged party may execute the cer-
23 tificate, and if the parents are divorced the parent having legal custo-
24 dy may execute the certificate and

25 b. The certificate of consent of the parents, parent or guardian is ap-
26 proved by a judge of the district court or, if both parents of any under-
27 aged party to a proposed marriage are dead, incompetent or cannot be
28 located and the party has no guardian, the proposed marriage is ap-
29 proved by a judge of the district court. A judge shall grant approval
30 under this subsection only if he finds the underaged party or parties
31 capable of assuming the responsibilities of marriage and that the mar-
32 riage will serve the best interest of the underaged party or parties.

33 Pregnancy alone does not establish that the proposed marriage is in
 34 the best interest of the underaged party or parties, however if pregnan-
 35 cy is involved the court records which pertain to the fact that the fe-
 36 male is pregnant shall be sealed and available only to the parties to
 37 the marriage or proposed marriage or to any interested party securing
 38 an order of the court.

39 c. If a parent or guardian withholds consent, the judge upon appli-
 40 cation of a party to a proposed marriage shall determine if the consent
 41 has been unreasonably withheld. If the judge so finds, the judge shall
 42 proceed to review the application under subsection b of this section.

1 SEC. 2. Section five hundred ninety-five point three (595.3), subsec-
 2 tion two (2), Code 1975, is amended to read as follows:

3 2. Where either party is under eighteen years of age, unless a certifi-
 4 cate of the consent of the parents is filed the marriage is approved by
 5 a judge of the district court as provided by section five hundred
 6 ninety-five point two (595.2), subsection two (2), of the Code. If one
 7 of the parents is dead such certificate may be executed by the survivor.
 8 If either parent is incompetent or his presence is unknown, the judge of
 9 the district court having jurisdiction in the county may, after hearing,
 10 upon proper cause shown, execute such certificate. If both parents are
 11 dead the guardian of a minor may execute the certificate but if the mi-
 12 nor has no guardian then the judge of the district court having juris-
 13 diction in the county may, after hearing, upon proper cause shown,
 14 execute the certificate. If the parents are divorced, the parent having
 15 legal custody may execute the certificate.

1 SEC. 3. Section five hundred ninety-five point nine (595.9), Code
 2 1975, is amended to read as follows:

3 **595.9 Violations.** If the clerk issues a license in violation of the
 4 provisions of section 595.8, or if If a marriage is solemnized without its
 5 being procured *procuring a license*, the clerk so issuing the same, and
 6 the parties married, and all persons aiding them, are guilty of a misde-
 7 meanor and shall be punished by a fine not exceeding one hundred
 8 dollars, or by imprisonment in the county jail not exceeding thirty
 9 days.

1 SEC. 4. Section five hundred ninety-five point eighteen (595.18),
 2 Code 1975, is amended to read as follows:

3 **595.18 Issue legitimized.** Illegitimate children become legiti-
 4 mate by the subsequent marriage of their parents. *Children born of a*
 5 *marriage contracted in violation of sections five hundred ninety-*
 6 *five point three (595.3) or five hundred ninety-five point nineteen*
 7 *(595.19) of the Code are legitimate.*

1 SEC. 5. Section five hundred ninety-five point eight (595.8), Code
 2 1975, is repealed.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 245

COURT ADMINISTRATOR

S. F. 147

AN ACT amending the duties of the court administrator.

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

1 SECTION 1. Section six hundred two point eighteen (602.18), subsection
2 tion two (2), Code 1975, is amended to read as follows:

3 2. The number of judgeships to which each of the judicial districts
4 shall be entitled shall be determined from time to time according to
5 the following formula, giving equal weight to cases filed and popula-
6 tion: In districts containing a city of fifty thousand or more popula-
7 tion, there shall be one judgeship per five hundred fifty combined civil
8 and criminal filings and forty thousand population, or major fraction
9 of either; in all other districts there shall be one judgeship per four
10 hundred fifty combined civil and criminal filings and forty thousand
11 population, or major fraction of either; provided, the seat of govern-
12 ment shall be entitled to one additional judgeship. The filings includ-
13 ed in the determinations to be made under this subsection shall not
14 include small claims, *or nonindictable misdemeanors, filed after June*
15 *30, 1973, and nor shall they include either civil actions for money*
16 *judgment where the amount in controversy does not exceed three*
17 *thousand dollars or indictable misdemeanors, which were assigned to*
18 *district associate judges and judicial magistrates as shown on their ad-*
19 *ministrative reports, but they shall include appeals from decisions of*
20 *judicial magistrates, district associate judges, and district judges sitting*
21 *as judicial magistrates. The figures on filings shall be the average for*
22 *the latest available previous three-year period and when current census*
23 *figures on population are not available, figures shall be taken from the*
24 *state department of health computations.*

1 SEC. 2. Section six hundred two point eighteen (602.18), subsection
2 eight (8), Code 1975, is amended to read as follows:

3 8. During ~~January~~ *February* of each year, and at such other times
4 as may be appropriate, the supreme court administrator shall make the
5 determinations required under this section, and shall notify the nomi-
6 nating commissions involved and the governor of any appointments
7 that may be required as a result thereof.

1 SEC. 3. Section six hundred two point fifty (602.50), subsection six
2 (6), Code 1975, is amended to read as follows:

3 6. Oath and instruction. Before assuming office, a judicial mag-
4 istrate shall subscribe and file in the office of the clerk of the district
5 court of the county of his residence his oath of office to uphold and
6 support the Constitutions of the United States of America and state of
7 Iowa, the laws enacted pursuant thereto, and the law and ordinances
8 of the political subdivisions of the state of Iowa. Annually, the su-
9 preme court administrator shall cause a school of instruction to be con-
10 ducted for judicial magistrates, ~~which shall include a comprehensive~~
11 ~~examination over the material presented,~~ and ~~which~~ each judicial mag-
12 istrate appointed as provided in this chapter prior to the time he takes
13 office shall attend unless excused by the chief justice for good cause. A
14 judicial magistrate appointed under this section to fill a vacancy shall
15 attend the first school of instruction held following his appointment
16 unless excused by the chief justice for good cause.

1 SEC. 4. Section six hundred two point fifty-seven (602.57), unnum-
 2 bered paragraphs one (1) and three (3), Code 1975, are amended to read
 3 as follows:

4 Except as provided in section 602.58, there shall be a total of one
 5 hundred ninety-one Iowa judicial magistrates to be appointed pursuant
 6 to section 602.50. During ~~January~~ *February* of ~~1975~~ 1977 and every
 7 two years thereafter, the supreme court administrator shall apportion
 8 the number of judicial magistrates to be so appointed among the coun-
 9 ties in accordance with the following criteria:

10 During ~~February~~ *March* of ~~1975~~ 1977 and during ~~February~~ *March* of
 11 every two years thereafter, the supreme court administrator shall noti-
 12 fy the clerk of the district court of each county and the chief judge of
 13 the appropriate judicial district, of the number of magistrates to which
 14 the county is entitled.

1 SEC. 5. Section six hundred two point fifty-seven (602.57), subsec-
 2 tion five (5), Code 1975, is amended to read as follows:

3 5. The number and types of juvenile proceedings handled by district
 4 associate judges *and full-time magistrates*.

Approved June 3, 1975

CHAPTER 246

FEEES OF JURORS

S. F. 184

AN ACT increasing the mileage rate and certain fees paid to jurors and the witness fees and mileage paid to witnesses.

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

1 SECTION 1. Section six hundred seven point five (607.5), Code 1975,
 2 is amended to read as follows:

3 **607.5 Fees of jurors.** Grand jurors and petit jurors in all courts
 4 shall receive *ten dollars as compensation* for each day's service or at-
 5 tendance, including attendance required for the purpose of being con-
 6 sidered for service, ~~ten dollars,~~ *mileage expenses at the rate of fifteen*
 7 *cents per mile* for each mile traveled each day to and from their resi-
 8 dences to the place of attendance, ~~ten cents,~~ and ~~for~~ actual expenses of
 9 parking, as determined by the clerk of court. No juror shall receive
 10 mileage for travel or actual expenses of parking when he travels in a
 11 vehicle for which another juror is receiving mileage.

1 SEC. 2. Section six hundred twenty-two point sixty-nine (622.69),
 2 Code 1975, is amended to read as follows:

3 **622.69 Witness fees.** Witnesses shall receive ~~three~~ *ten* dollars for
 4 each *full* day's attendance, *and five dollars for each attendance less*
 5 *than a full day,* and mileage expenses *at the rate of fifteen cents per*
 6 *mile* for each mile actually traveled.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 247

LAW EXAMINERS BOARD

S. F. 116

AN ACT relating to the compensation paid to members of the board of law examiners and temporary examiners appointed by the supreme court.

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

1 SECTION 1. Section six hundred ten point six (610.6), Code 1975, is
2 amended to read as follows:
3 **610.6 Oath—compensation.** The members thus appointed shall
4 take and subscribe an oath to be administered by one of the judges of
5 the supreme court to faithfully and impartially discharge the duties of
6 the office, ~~and shall receive their actual and necessary expenses. The~~
7 ~~members shall, in addition to receiving actual and necessary expen-~~
8 ~~ses, set the per diem compensation for themselves and the temporary~~
9 ~~examiners appointed under section six hundred ten point seven~~
10 ~~(610.7) of the Code at a rate not exceeding forty dollars per diem for~~
11 ~~each day actually engaged in the discharge of their duties. Such du-~~
12 ~~ties shall include the traveling to and from the place of examina-~~
13 ~~tion, the preparation and conducting of examinations, and the~~
14 ~~reading of the examination papers. The per diem authorized under~~
15 ~~this section shall be reasonably apportioned in relation to the funds~~
16 ~~appropriated to the board.~~

Approved March 7, 1975

CHAPTER 248

EXPERT WITNESS FEES

H. F. 18

AN ACT relating to expert witness fees.

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

1 SECTION 1. Section six hundred twenty-two point seventy-two
2 (622.72), Code 1975, is amended to read as follows:
3 **622.72 Expert witnesses—fee.** Witnesses called to testify only to
4 an opinion founded on special study or experience in any branch of
5 science, or to make scientific or professional examinations and state the
6 result thereof, shall receive additional compensation, to be fixed by the
7 court, with reference to the value of the time employed and the degree
8 of learning or skill required; but such additional compensation shall
9 not exceed ~~four~~ *one hundred fifty* dollars per day while so employed.

Approved June 6, 1975

CHAPTER 249

DISBURSEMENT OF COSTS ON APPEAL

S. F. 329

AN ACT relating to the disbursement of costs in actions on appeal to the supreme court.

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

1 SECTION 1. Section six hundred twenty-five point nineteen (625.19),
2 Code 1975, is amended to read as follows:

3 **625.19 Costs in supreme court.** When the costs accrued in the
4 supreme court and the trial court are paid to the clerk of the trial
5 court, he shall pay so much of them as accrued in the supreme court to
6 the clerk of said court, and take his receipt therefor persons entitled
7 thereto.

1 SEC. 2. Section six hundred twenty-five point twenty (625.20), Code
2 1975, is repealed.

Approved May 12, 1975

CHAPTER 250

SOUND RECORDINGS

S. F. 309

AN ACT relating to the reproduction and duplication of sound recordings and providing a penalty.

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

1 SECTION 1. **Definitions.** For the purposes of this Act:

2 1. "Person" shall mean person as defined in section four point one
3 (4.1), subsection thirteen (13) of the Code.

4 2. "Owner" means any person who owns the original fixation of
5 sounds embodied in the master phonograph record, master disc, master
6 tape, master film or other device used for reproducing sounds on phon-
7 ograph records, discs, tapes, films, or other articles upon which sound
8 is recorded, and from which the transferred recorded sounds are de-
9 rived.

1 SEC. 2. Chapter seven hundred thirteen (713), Code 1975, is amend-
2 ed by adding the following new section:

3 **NEW SECTION. Reproduction of sound recordings.**

4 1. Except as provided in subsection three (3) of this section, it is un-
5 lawful for a person knowingly to:

6 a. Transfer or cause to be transferred any sounds recorded on a
7 phonograph record, disc, wire, tape, film or other article without the
8 consent of the owner; or

9 b. Sell; distribute; circulate; offer for sale, distribution or circula-
10 tion; possess for the purpose of sale, distribution or circulation; or
11 cause to be sold, distributed, circulated; offered for sale, distribution
12 or circulation; or possessed for sale, distribution or circulation, any ar-
13 ticle or device on which sounds have been transferred without the con-
14 sent of the person who owns the master phonograph record, master
15 disc, master tape or other device or article from which the sounds are
16 derived.

17 2. It is unlawful for a person to sell, distribute, circulate, offer for
 18 sale, distribution or circulation or possess for the purposes of sale, dis-
 19 tribution or circulation, any phonograph record, disc, wire, tape, film
 20 or other article on which sounds have been transferred unless the phon-
 21 ograph record, disc, wire, tape, film or other article bears the actual
 22 name and address of the transferor of the sounds in a prominent place
 23 on its outside face or package.

24 3. This section does not apply to a person who transfers or causes to
 25 be transferred sounds intended for or in connection with radio or tele-
 26 vision broadcast transmission or related uses, synchronized sound tracks
 27 of motion pictures or sound tracks recorded for synchronizing with mo-
 28 tion pictures, for archival purposes or for the personal use of the person
 29 transferring or causing the transfer and without any compensation be-
 30 ing derived by the person from the transfer.

31 4. A person who violates the provisions of this section is guilty of a
 32 misdemeanor.

Approved June 5, 1975

CHAPTER 251

LAW ENFORCEMENT COMMUNICATIONS

H. F. 202

AN ACT relating to maintenance of law enforcement communications with local law enforce-
 ment agencies and duties and powers of officers in district headquarters.

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

1 SECTION 1. Section seven hundred fifty point seven (750.7), Code
 2 1975, is amended to read as follows:

3 **750.7 Communication with local agencies.** The department of
 4 public safety shall maintain law enforcement communications with lo-
 5 cal enforcement agencies using frequencies in use on July 1, 1973. The
 6 Iowa highway safety patrol base stations and all Iowa highway safety
 7 patrol cars *assigned to troopers and sergeants with field enforcement*
 8 *responsibilities* shall maintain law enforcement communications with
 9 local enforcement agencies using transmitting and receiving frequencies
 10 in use by the Iowa highway safety patrol on July 1, 1973.

1 SEC. 2. Section eighty point twenty (80.20), Code 1975, is amended
 2 to read as follows:

3 **80.20 Divisional headquarters.** The commissioner of public safe-
 4 ty may, subject to the approval of the governor, establish divisional
 5 headquarters at various places in the state. Supervisory officers ~~shall~~
 6 *may* be at all times on duty in each district headquarters.

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 Sioux
 3 City Journal, a newspaper published in Sioux City, Iowa, and in the
 4 Citizen Herald, a newspaper published in Jesup, Iowa.

Approved April 24, 1975

I hereby certify that the foregoing Act, House File 202, was published in The Sioux City
 Journal, Sioux City, Iowa, May 6, 1975, and in the Citizen Herald, Jesup, Iowa, May 7, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 252

CLERK OF THE GRAND JURY

S. F. 121

AN ACT relating to compensation of the clerk of the grand jury.

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

1 SECTION 1. Section seven hundred seventy point nineteen (770.19),
2 Code 1975, is amended to read as follows:

3 **770.19 Compensation.** Such clerk shall receive compensation at
4 the rate of ~~eight dollars per day for time actually and necessarily em-~~
5 ~~ployed in the performance of the duties prescribed in this chapter set~~
6 *by the court subject to the approval of the board of supervisors.*

1 SEC. 2. Sections seven hundred seventy point twenty (770.20) and
2 seven hundred seventy point twenty-one (770.21), Code 1975, are re-
3 pealed.

Approved May 15, 1975

SPECIAL AND LEGALIZING ACTS

SPECIAL AND LEGALIZING ACTS

Utility easement at Anamosa, see Ch 147

CHAPTER 253

BUCHANAN COUNTY LEGALIZING ACT

H. F. 728

AN ACT to legalize proceedings taken by the county supervisors of Buchanan county relating to the purchase of certain land.

WHEREAS, on the 1st day of April, 1974, at its regular meeting, Buchanan County Board of Supervisors adopted a Resolution to purchase for a landfill site, the hereinafter described property from Donald Kayser for \$94,000.00, and authorized and directed the Chairman of the Board of Supervisors to enter into a contract with Mr. Donald Kayser:

The South Half (S1/2) of the Northwest Quarter (NW1/4) of Section Two (2), Township Eighty-Nine (89) North, Range Nine (9) West of the 5th P.M. in Buchanan County, Iowa.

WHEREAS, a real estate contract was on July 5, 1974, entered into between Buchanan County and Donald Kayser and executed by Donald Kayser and by the Chairman of Board of Supervisors of Buchanan County, and said contract was filed for record September 18, 1974, in Book 382, Page 551, in the office of the Buchanan County, Iowa Recorder.

WHEREAS, Buchanan County was in need of a landfill site, in view of the requirement of the State that such a facility be available by July 1, 1975, and said land was purchased for a landfill site.

WHEREAS, Buchanan County did purchase said land with the funds available and without the levy of additional taxes.

WHEREAS, the purchase price of the land exceeded \$50,000.00 and said purchase was not submitted to the voters of the County pursuant to Section 345.1 of the 1973 Code of Iowa nor did the Board provide notice and hold a public hearing on the project pursuant to Section 345.1 of the 1973 Code of Iowa as amended by the Acts of the Sixty-Fifth General Assembly, 1973 Session, Chapter 136, Section 357, set forth in Section 345.1 of the 1975 Code of Iowa and doubts have arisen concerning the legal sufficiency of the Buchanan County Board of Supervisors' compliance with the provisions of Section 345.1 of the 1973 Code of Iowa and said Section as amended by the Acts of the Sixty-fifth General Assembly, 1973 Session, set forth in Section 345.1 of the 1975 Code of Iowa; and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same to 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 Buch-
 2 anan County Board of Supervisors in connection with purchasing the
 3 hereinafter described land from Donald Kayser for a landfill site are
 4 hereby legalized, validated and confirmed:

5 The South Half (S1/2) of the Northwest Quarter (NW1/4) of Section
 6 Two (2), Township Eighty-Nine (89) North, Range Nine (9) West of the
 7 5th P.M. in Buchanan County, 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 The Bulletin-Journal, a newspaper published in Independence, Iowa, and in the
 3 Independence Conservative, a newspaper published in Independence,
 4 Iowa, without expense to the State.

Approved May 15, 1975

I hereby certify that the foregoing Act, House File 728, was published in The Bulletin-Journal, Independence, Iowa, May 30, 1975, and in the Independence Conservative, Independence, Iowa, June 3, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 254

WESTERN IOWA MUNICIPAL ELECTRIC COOPERATIVE ASSOCIATION

H. F. 741

AN ACT to legalize and validate the proceedings for the organization and operation of the western Iowa municipal electric cooperative association and declaring said cooperative association to be legally established and its acts to have been legally taken.

WHEREAS, proceedings have been heretofore taken for the organization of the Western Iowa Municipal Electric Cooperative Association under the provisions of Chapter 499 of the Code of Iowa for the purpose of obtaining electric energy and selling and distributing such electric energy to the cities of Manning, Atlantic, Onawa and Aurelia and the town of Hinton, all in Iowa, and a certificate of incorporation for said Western Iowa Municipal Electric Cooperative Association was issued by the Secretary of State of Iowa on December 4, 1973, but the city of Atlantic, Iowa, has since surrendered its membership in and voluntarily withdrawn from said Western Iowa Municipal Electric Cooperative Association; and

WHEREAS, said Western Iowa Municipal Electric Cooperative Association has entered into a wholesale power agreement, dated October 28, 1974, with Northwest Iowa Power Cooperative, a cooperative association organized and operating under Chapter 499 of the Code of Iowa, for the purpose of obtaining electric energy for sale and distribution to the members of said Western Iowa Municipal Electric Cooperative Association, the same now being the cities of Manning, Onawa and Aurelia and the town of Hinton, all in Iowa; and

WHEREAS, amendments to the articles of incorporation of said Western Iowa Municipal Electric Cooperative Association have been adopted and filed with the Secretary of State of Iowa on January 21, 1975; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and operation of said Western Iowa Municipal Electric Cooperative Association and the acts heretofore taken by said Western Iowa Municipal Electric Cooperative Association, and it is deemed advisable and necessary 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 in connection
 2 with the organization and providing for the operation of the coopera-
 3 tive association now known and identified as the "Western Iowa

4 Municipal Electric Cooperative Association" and all acts heretofore
 5 taken by said Western Iowa Municipal Electric Cooperative
 6 Association, including entering into said wholesale power agreement
 7 with Northwest Iowa Power Cooperative, be and the same are hereby
 8 legalized, validated and confirmed, and said Western Iowa Municipal
 9 Electric Cooperative Association is hereby declared to constitute a
 10 legal cooperative association authorized to operate in accordance with
 11 its articles of incorporation and bylaws as they now exist and in
 12 accordance with provisions of Chapter 499 of the Code of Iowa, except
 13 only insofar as Chapter 499 of the Code of Iowa may conflict with said
 14 articles of incorporation and bylaws, in which event said articles of
 15 incorporation and bylaws shall prevail.

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 Onawa
 3 Democrat, a newspaper published in Onawa, Iowa, and in The
 4 Manning Monitor, a newspaper published in Manning, Iowa, without
 5 expense to the state.

Approved May 15, 1975

I hereby certify that the foregoing Act, House File 741, was published in the Onawa Democrat, Onawa, Iowa, May 29, 1975, and in The Manning Monitor, Manning, Iowa, May 29, 1975.

MELVIN D. SYNHORST, *Secretary of State*

CHAPTER 255

MISSOURI VALLEY LEGALIZING ACT

H. F. 742

AN ACT to legalize and validate proceedings of the city council of the city of Missouri Valley, Harrison county, Iowa vacating and disposing of certain streets and alleys.

WHEREAS, it appears from the records of the city council of the city of Missouri Valley, Iowa, that certain streets and alleys have been disposed of by vacation thereof, and

WHEREAS, it appears that in vacating said streets and alleys the city followed the procedure as set out in chapter 366, Code of Iowa, 1973, and not the procedure as set out in section 368.39, Code of Iowa, 1973, and

WHEREAS, chapter 366 of the Code provides for one published notice, and section 368.39 provides for the notice to be published twice, and

WHEREAS, in truth and in fact the said notices were published only one time, and

WHEREAS, various persons have relied on the vacation proceedings of said city and have entered upon the land vacated and made valuable improvements thereon, and

WHEREAS, some doubt has arisen as to the validity of the proceedings of the city council, and such doubt may create a hardship on persons relying on the prior acts of the said city council and that the said acts should be legalized and the matter once and for all be put to 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 Missouri Valley, Iowa, pertaining to the vacation of any
3 and all streets and alleys in said City wherein notice of said vacation
4 proceedings were published only one time are hereby validated, legal-
5 ized and confirmed and shall constitute valid, legal and binding obli-
6 gations of said City.

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 Logan
3 Herald-Observer, a newspaper published in Logan, Iowa, and in The
4 Missouri Valley Times, a newspaper published in Missouri Valley,
5 Iowa, without expense to the state.

Approved June 6, 1975

I hereby certify that the foregoing Act, House File 742, was published in the Logan Herald-Observer, Logan, Iowa, June 26, 1975, and in The Missouri Valley Times, Missouri Valley, Iowa, June 26, 1975.

MELVIN D. SYNHORST, *Secretary of State*

**JOINT RESOLUTIONS
RULES OF CIVIL PROCEDURE
AND
SUPREME COURT FEES**

**JOINT RESOLUTIONS
RULES OF CIVIL PROCEDURE
AND
SUPREME COURT FEES**

CHAPTER 256

SOCIAL SERVICES STUDY

S. J. R. 13

A JOINT RESOLUTION to provide for an interim study of the structure and performance of the department of social services.

WHEREAS, through the efforts of past interim study committees such as the mental health and juvenile institutions and the penal and correctional systems study committees, past joint interim subcommittees of the committees on human resources, efforts of these standing committees themselves, and reports received from the executive branch such as the governor's economy committee report and the reports on state institutions prepared by the department of social services, as well as the contributions of groups and agencies outside government, there is available to the general assembly much valuable information on the delivery of human services in Iowa; and

WHEREAS, this continuing growth has created internal problems in the department's divisions, but has not ended fragmentation in the delivery of human services in Iowa, notably in the general areas of services to the mentally handicapped, the aging, abusers of alcohol and other drugs, and criminal offenders; and

WHEREAS, additional focus and attention is required by the department of social services on provision of child and adult protective services and assistance to persons, both young and old, who are unable to care for themselves adequately without aid from the general society, but there is general concern about the ability of the department to adequately discharge all of the functions assigned it under current law; and

WHEREAS, it is the desire of members of the general assembly, individually and collectively, to provide high quality intensive care and treatment of an appropriate modality to mentally handicapped persons, the aging, the abused, the abuser and the offender, NOW THEREFORE,

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

1 SECTION 1. The legislative council is authorized to establish a
2 study committee in the manner prescribed by law to conduct during
3 the 1975 legislative interim a study of the functions, duties and
4 structure of the department of social services, the performance of the
5 department in discharging its responsibilities, and the effect of the
6 current administrative structure upon this performance. The study
7 committee shall review, update and consolidate the findings of previ-
8 ous studies and reports on delivery of human services in Iowa, and
9 shall formulate recommendations as to the most effective and effi-
10 cient organizational and administrative structure for delivery of hu-
11 man services in Iowa. These recommendations, accompanied by draft
12 legislation to implement them, if appropriate, shall be reported to
13 the legislative council and to the second session of the Sixty-sixth
14 General Assembly.

1 SEC. 2. The study committee authorized by this Act may:
 2 1. Include as advisory members persons other than members of the
 3 general assembly, who have special knowledge in the field of human
 4 service delivery, as permitted by law.
 5 2. Retain consultants and assistants to aid the committee in ac-
 6 complishing the study.
 7 3. Request the department of social services or other state agencies
 8 to loan designated staff members to the committee for specified peri-
 9 ods of time to assist the committee and its staff.

1 SEC. 3. There is appropriated to the legislative council for use by
 2 the study committee authorized by this Act during the period begin-
 3 ning July 1, 1975 and ending March 31, 1976 the sum of fifty thou-
 4 sand (50,000) dollars, or so much thereof as may be necessary, to
 5 accomplish the purposes of this Act. Unencumbered funds remaining
 6 as of February 15, 1976 shall revert to the general fund of the state
 7 on April 15, 1976.

Approved July 18, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 257

EARLY CHILDHOOD DEVELOPMENT

S. J. R. 6

A JOINT RESOLUTION to continue the governor's task force on early childhood develop-
 ment and making an appropriation.

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

1 SECTION 1. The governor's task force on early childhood develop-
 2 ment, established under the provisions of Senate Concurrent Resolu-
 3 tion one hundred twenty-five (125), adopted by the Sixty-fifth General
 4 Assembly, 1974 Session, is continued until January 16, 1976 in order to
 5 continue its study of methods of planning and coordinating services to
 6 young children and to assess and evaluate the need in Iowa for an of-
 7 fice for early childhood development. The task force shall make its fi-
 8 nal report and recommendations to the governor and to the Sixty-sixth
 9 General Assembly not later than January 16, 1976, including proposed
 10 legislation as necessary to implement its recommendations.

1 SEC. 2. There is appropriated from the general fund of the state to
 2 the office of the governor for the fiscal period commencing July 1, 1975
 3 and ending March 31, 1976 the sum of twenty thousand (20,000) dol-
 4 lars, or so much thereof as may be necessary, to provide funds for staff
 5 assistance and other assistance, including an office, as determined by
 6 the task force to enable the task force to complete its study. Unobligat-
 7 ed or unencumbered funds appropriated in this section remaining on
 8 February 15, 1976 shall revert to the general fund of the state on April
 9 15, 1976.

Approved July 14, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 258

MEDICAL MALPRACTICE INSURANCE STUDY

S. J. R. 12

A JOINT RESOLUTION to provide for an interim study of the causes and effects of and solutions to the unavailability and high cost of malpractice insurance to health care providers and to provide for an appropriation.

WHEREAS, the general assembly finds that a critical situation exists with respect to the availability and cost of medical malpractice insurance to certain health care providers; and

WHEREAS, the general assembly finds that unavailability or high cost of medical malpractice insurance has the effect of reducing the number of health care providers practicing in this state; and

WHEREAS, the general assembly finds that a reduction in the number of health care providers in this state would be detrimental to the health and welfare of the people of Iowa; and

WHEREAS, measures have been proposed to the general assembly as solutions to the high cost or unavailability of medical malpractice insurance; and

WHEREAS, meaningful consideration cannot be given these measures without a reliable in-depth study of the causes and effects of the situation, NOW THEREFORE,

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

1 SECTION 1. The legislative council is directed to create a study
2 committee which shall include members of the appropriate standing
3 committees of the Senate and House of Representatives representing
4 both political parties, which committee shall conduct during the
5 1975-76 legislative interim a comprehensive study of the causes and
6 effects of and solutions to the high cost and unavailability of mal-
7 practice insurance to licensed health care providers.

8 The study committee shall retain, if necessary, consultants and as-
9 sistants to accomplish the study. Nonlegislative consultants and as-
10 sistants may be reimbursed for reasonable expenses and may receive
11 a per diem of forty dollars for each day in actual attendance with
12 the committee upon approval of the legislative council.

13 The study committee shall prepare and submit a report to the leg-
14 islative council and to the general assembly at the conclusion of the
15 interim, which shall be accompanied by legislative bill drafts de-
16 signed to carry out any recommendations of the committee.

1 SEC. 2. There is appropriated to the legislative council for the
2 use of the study committee created by this Act during the fiscal year
3 beginning July 1, 1975 and ending June 30, 1976 the sum of twenty-
4 five thousand (25,000) dollars, or so much thereof as is necessary, to
5 accomplish the purposes of this Act. Unencumbered funds remaining
6 as of June 30, 1976 shall revert to the general fund of the state on
7 August 31, 1976.

Approved June 16, 1975

CHAPTER 259

R.C.P. AMENDMENT

S. F. 583

AN ACT to amend the rules of civil procedure proposed by the supreme court.

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

1 SECTION 1. Amend the proposed rules of civil procedure found in
2 Senate Journal, January 15, 1975, pages 120 and 121, New Rule one
3 hundred twenty-four point one (124.1) to read as follows:

4 **124.1 Stipulations regarding discovery procedure.** Unless the
5 court orders otherwise, the parties may by written stipulation (1) pro-
6 vide that depositions may be taken before any *qualified* person at any
7 time or place, upon any notice, and in any manner and when so taken
8 may be used like other depositions, and (2) modify the procedures pro-
9 vided by these rules for other methods of discovery, except that stipu-
10 lations extending the time provided in Rules ~~125~~ 126, 127 and 130 for
11 responses to discovery may be made only with the approval of the
12 court.

Approved July 3, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 260

RULES OF CIVIL PROCEDURE

IN THE MATTER OF
THE
RULES OF CIVIL PROCEDURE }

REPORT OF THE
SUPREME COURT

To the 1975 Regular Session of the Sixty-sixth General Assembly of the State of Iowa:

1 Pursuant to section 684.18 and 684.19, Code 1973, the Supreme Court
2 of Iowa has prescribed and hereby reports to the General Assembly
3 changes in the existing Rules of Civil Procedure as follows:

4 Rule 48. **Commencing actions.**

5 That Rule 48 be stricken and the following substituted:

6 "48. **Commencement of actions.** A civil action is commenced by
7 filing a petition with the court."

8 Rule 49. **Tolling limitations.**

9 That Rule 49 be stricken and the following substituted:

10 "49. **Original notice: Issuance and form.**

11 (a) Written directions for the service of the original notice and copy
12 of petition shall be delivered to the clerk with the petition. There shall
13 also be delivered to the clerk with the petition the original notice to be
14 served and sufficient copies of both. The original notice shall contain
15 the name of the court and the names of the parties, be directed to the
16 defendant, state the name and address of the plaintiff's attorney, if
17 any, otherwise the plaintiff's address, and the time within which these
18 rules require the defendant to appear and defend, and shall notify de-

19 fendant that in case of defendant's failure to do so judgment by de-
20 fault will be rendered against the defendant for the relief demanded in
21 the petition.

22 (b) Upon the filing of the petition the clerk shall forthwith deliver
23 for service the original notice and copies, copies of the petition, and
24 the directions for service to the sheriff, to a person specially appointed
25 to serve it, or other appropriate person. Upon request of the plaintiff,
26 separate or additional original notices shall issue against any defen-
27 dants.

28 (c) The original notice shall be signed by the clerk and be under the
29 seal of the court. The clerk may require the party delivering the origi-
30 nal notice to the clerk to advance reasonable costs of service."

31 **Rule 50. Contents of original notice.**

32 That Rule 50 be stricken and the following substituted:

33 "50. **Serving copies of original notice and petition.** The origi-
34 nal notice and copy of petition shall be served together except when
35 service is by publication. If service is by publication the original notice
36 alone shall be published and shall also contain a general statement of
37 the cause or causes of action and the relief demanded, and, if for
38 money, the amount thereof."

39 **Rule 53. Time for appearance.**

40 That Rule 53 be stricken and the following substituted:

41 "53. **Time for appearance.** A defendant served as provided in
42 these rules by publication or by publication and mailing must appear
43 on or before the date fixed in the notice as published, which date shall
44 not be less than 20 days after the date of last publication.

45 A defendant served in a manner prescribed by a statute or order of
46 court shall appear on or before the date fixed as provided by said stat-
47 ute or order of court.

48 In the event service of process is made by mail under Rule 56.2 the
49 appearance date shall be on the date fixed in the original notice which
50 shall not be less than 60 days following the date of mailing.

51 In all other cases the defendant shall appear within 20 days after the
52 service of the original notice and petition upon such defendant."

53 **Rule 55. Failure to file petition.**

54 That Rule 55 be stricken and the following substituted:

55 "55. **Tolling limitations.** For the purpose of determining whether
56 an action has been commenced within the time allowed by statutes for
57 limitation of actions, whether the limitation inheres in the statutes
58 creating the remedy or not, the filing of a petition shall be deemed a
59 commencement of the action."

60 **Rule 56. Personal service.**

61 That Rule 56 be designated Rule 56.1 and the following rule be
62 adopted:

63 "56.2. **Alternate method of service.** Every corporation, individu-
64 al, personal representative, partnership or association that shall have
65 the necessary minimum contact with the State of Iowa shall be subject
66 to the jurisdiction of the courts of this state, and the courts of this
67 state shall hold such corporation, individual, personal representative,
68 partnership or association amenable to suit in Iowa in every case not
69 contrary to the provisions of the constitution of the United States.

70 Service may be made on any such corporation, individual, personal
71 representative, partnership or association (1) as provided in Rule 56.1
72 within or without the state, or (2) if such service cannot be so made, in

73 any manner consistent with due process of law prescribed by order of
74 the court in which the action is brought.

75 Nothing herein shall limit or affect the right to serve an original notice upon any corporation, individual, personal representative, partnership or association within or without this state in any manner now or
76 hereafter permitted by statute or rule.”

79 **Rule 59. Returns of service.**

80 That Rule 59 be amended by adding the following:

81 “(d) The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during
82 which the person served must respond to the process. Failure to make
83 proof of service does not affect the validity of the service.

84 (e) Where service includes notice by mail, proof of such mailing shall
85 be by affidavit. The affidavit, with a duplicate copy of the papers referred to in the affidavit attached thereto, shall be forthwith filed with
86 the court.”

89 **NEW RULE.**

90 That the following rule be adopted:

91 “59.1. **Amendment of process or proof of service.** At any time
92 in its discretion and upon such terms as it deems just, the court may
93 allow any process or proof of service thereof to be amended, unless it
94 clearly appears that material prejudice would result to the substantial
95 rights of the party against whom the process issued.

96 **Rule 82. Service and filing of pleadings and other papers.**

97 That the first sentence of Rule 82(a) be stricken and the following
98 substituted:

99 “Everything required by these rules to be filed, every order required
100 by its terms to be served, every pleading subsequent to the original petition unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be
101 served upon each of the parties.”

107 **Rule 82. Service and filing of pleadings and other papers.**

108 That the following be added after the first sentence in Rule 82 (f):

109 “In the event a case involves an appeal or review relating to an administrative agency, officer, commissioner, board, administrator, or
110 judge, the clerk shall mail without cost to the applicable administrative agency, officer, commissioner, board, administrator, or judge a
111 copy of any remand order, final judgment or decision in the case and a
112 copy of any procedendo from the Supreme Court.”

115 **Rule 83. Enlargement; additional time after service by mail.**

116 That the following be added to Rule 83(b):

117 “Such additional time shall not be applicable where a court has prescribed the method of service of notice and the number of days to be
118 given.”

120 **Rule 117. Motion days—disposition of motions.**

121 That Rule 117(a) be amended by striking the word “five” in the fifth
122 line thereof and substituting in lieu thereof the word “ten”.

123 NEW RULE.

124 That the following rule be adopted:

125 "124.1. **Stipulations regarding discovery procedure.** Unless the
126 court orders otherwise, the parties may by written stipulation (1) pro-
127 vide that depositions may be taken before any person*, at any time or
128 place, upon any notice, and in any manner and when so taken may be
129 used like other depositions, and (2) modify the procedures provided by
130 these rules for other methods of discovery, except that stipulations ex-
131 tending the time provided in Rules 125*, 127 and 130 for responses to
132 discovery may be made only with the approval of the court."

133 Rule 126. **Interrogatories to parties.**

134 That Rule 126 be amended by adding after the first sentence in the
135 third paragraph of subdivision (a), the following:

136 "A party answering interrogatories must set out the interrogatory im-
137 mediately preceding the answer thereto. A failure to comply with this
138 rule shall be deemed a failure to answer and shall be subject to sanc-
139 tions as provided in Rule 134."

140 Rule 215.1. **Uniform rule for dismissal for want of prosecution.**

141 That Rule 215.1 be amended by striking the phrase "(d) which have
142 been filed but in which the plaintiff has been unable by due diligence
143 to obtain service of original notice," by changing the designations of
144 subparagraphs (e) and (f) to (d) and (e) respectively and by adding the
145 following to the second paragraph of said rule: "The case shall not be
146 dismissed if there is a timely showing that the original notice and peti-
147 tion have not been served and that the party resisting dismissal has
148 used due diligence in attempting to cause process to be served."

149 Rule 237. **On what claims.**

150 That Rule 237 be amended by adding the following:

151 "(h) Supporting statement and memorandum. Upon any motion for
152 summary judgment pursuant to Rule 237, there shall be annexed to the
153 motion a separate, short and concise statement of the material facts as
154 to which the moving party contends there is no genuine issue to be
155 tried, including specific reference to those parts of the pleadings, depo-
156 sitions, answers to interrogatories, admissions on file and affidavits
157 which support such contentions and a memorandum of authorities."

158 Rule 260. **Levy on personalty.**

159 That Rule 260(b) be amended by striking the words "equipment used
160 in farming operations or farm products or".

161 Rule 335. **Time for appeal.**

162 That Rule 335(b) be amended by striking the words "before the Ap-
163 pendix to the briefs is filed with said clerk.", and substituting the fol-
164 lowing in lieu thereof: "prior to ten days after the date on which the
165 appeal is docketed."

166 Rule 336. **How taken.**

167 That Rule 336(a) be stricken and the following substituted:

168 "(a) Appeal other than those allowed by order under rule 332 or rule
169 335 is taken and perfected by filing a notice with the clerk of the court
170 where the order, judgment or decree was entered, signed by the appel-
171 lant or his attorney. It shall specify the parties taking the appeal, and
172 the decree, judgment, order or part thereof appealed from. The appel-
173 lant shall serve a copy of the notice on each other party or his counsel
174 in the manner prescribed in rule 82(b). The notice presented to the
175 clerk of the trial court for filing shall be accompanied by a proof of ser-

*See 66GA, ch 259, §1

176 vice in the form prescribed in rule 82(g). Promptly after filing the no-
 177 tice of appeal with the clerk of the trial court the appellant shall mail
 178 or deliver to the clerk of the supreme court an informational copy of
 179 such notice.”

180 Respectfully submitted,
 181 THE SUPREME COURT OF IOWA
 182 s/ C. EDWIN MOORE
 183 CHIEF JUSTICE

184 Des Moines, Iowa
 185 January 15, 1975

186 ACKNOWLEDGMENT

187 I, Clark R. Rasmussen, Secretary of the Senate of the State of Iowa,
 188 hereby acknowledge delivery to me on the fifteenth day of January,
 189 1975 of the foregoing report of the Supreme Court of Iowa pertaining
 190 to Rules of Civil Procedure.

191 s/ CLARK R. RASMUSSEN
 192 Secretary of the Senate
 193 1975 Regular Session of the
 194 Sixty-sixth General Assembly
 195 of the State of Iowa

196 ACKNOWLEDGEMENT

197 I, David L. Wray, Chief Clerk of the House of Representatives of
 198 the State of Iowa, hereby acknowledge delivery to me on this fifteenth
 199 day of January, 1975 of the foregoing report of the Supreme Court of
 200 Iowa pertaining to Rules of Civil Procedure.

201 s/ DAVID L. WRAY
 202 Chief Clerk of the
 203 House of Representatives
 204 1975 Regular Session of the
 205 Sixty-sixth General Assembly
 206 of the State of Iowa

207 CERTIFICATE

208 I, Arthur A. Neu, do hereby certify that I am the President of the
 209 Senate of the 1975 Regular Session of the Sixty-sixth General Assem-
 210 bly of the State of Iowa; and I, Clark R. Rasmussen, do hereby certify
 211 that I am the Secretary of the Senate of the 1975 Regular Session of
 212 the Sixty-sixth General Assembly of the State of Iowa, and we do here-
 213 by jointly certify that as such President and Secretary that on the fif-
 214 teenth day of January, 1975, the Supreme Court of the State of Iowa
 215 reported to said Senate, and filed with it, the attached and foregoing
 216 modifications, amendments, revisions and additions to the Rules of
 217 Civil Procedure, heretofore reported by said Supreme Court to the Fif-
 218 tieth General Assembly of the State of Iowa;

219 THAT the date of making said report to the 1975 Regular Session of
 220 the Sixty-sixth General Assembly was within the twenty days subse-
 221 quent to the convening of the 1975 Regular Session of the Sixty-sixth
 222 General Assembly;

223 THAT no other report pertaining to the Rules of Civil Procedure was
 224 made or filed by said Supreme Court with said Senate;

225 THAT there was enacted at such regular session of the Sixty-sixth
 226 General Assembly an Act known as Senate File 583 wherein an amend-
 227 ment to new rule 124.1 was enacted;

228 THAT no other or different changes, modifications, amendments, re-
 229 visions or additions to the Rules of Civil Procedure were made or en-
 230 acted at such 1975 Regular Session of said Sixty-sixth General
 231 Assembly.

232 Signed this twentieth day of June, 1975, being the last legislative
 233 day of the 1975 Regular Session of the Sixty-sixth General Assembly.

234 s/ ARTHUR A. NEU
 235 President of the Senate

236 s/ CLARK R. RASMUSSEN
 237 Secretary of the Senate
 238 1975 Regular Session of the
 239 Sixty-sixth General Assembly
 240 of the State of Iowa

241 CERTIFICATE

242 I, Dale M. Cochran, do hereby certify that I am the Speaker of the
 243 House of Representatives of the 1975 Regular Session of the Sixty-
 244 sixth General Assembly of the State of Iowa; and I, David L. Wray,
 245 do hereby certify that I am the Chief Clerk of the House of Represent-
 246 atives of the 1975 Regular Session of the Sixty-sixth General Assembly
 247 of the State of Iowa, and we do hereby jointly certify that as such
 248 Speaker and Chief Clerk that on the fifteenth day of January, 1975,
 249 the Supreme Court of the State of Iowa reported to said House of Rep-
 250 resentatives, and filed with it, the attached and foregoing modifica-
 251 tions, amendments, revisions and additions to the Rules of Civil
 252 Procedure, heretofore reported by said Supreme Court to the Fiftieth
 253 General Assembly of the State of Iowa;

254 THAT the date of making said report to the 1975 Regular Session of
 255 the Sixty-sixth General Assembly was within the twenty days subse-
 256 quent to the convening of the 1975 Regular Session of the Sixty-sixth
 257 General Assembly;

258 THAT no other report pertaining to the Rules of Civil Procedure was
 259 made or filed by said Supreme Court with said House of Representa-
 260 tives;

261 THAT there was enacted at such regular session of the Sixty-sixth
 262 General Assembly an Act known as Senate File 583* wherein an amend-
 263 ment to new rule 124.1 was enacted.

264 THAT no other or different changes, modifications, amendments, re-
 265 visions or additions to the Rules of Civil Procedure were made or en-
 266 acted at such 1975 Regular Session of said Sixty-sixth General
 267 Assembly.

268 Signed this twentieth day of June, 1975, being the last legislative
 269 day of the 1975 Regular Session of the Sixty-sixth General Assembly.

270 s/ DALE M. COCHRAN
 271 Speaker of the House

272 s/ DAVID L. WRAY
 273 Chief Clerk of the
 274 House of Representatives
 275 1975 Regular Session of the
 276 Sixty-sixth General Assembly
 of the State of Iowa

*See 66GA, ch 259, §1

CHAPTER 261

REPORT OF THE SUPREME COURT

IN THE MATTER OF
SUPREME COURT FEES

REPORT OF THE
SUPREME COURT

To the 1975 Regular Session of the Sixty-sixth General Assembly of the State of Iowa:

1 Pursuant to Chapter 289 of the Acts of the 1973 Session of the Sixty-
2 fifth General Assembly,* the Supreme Court of Iowa has prescribed
3 and hereby reports to the General Assembly a rule fixing fees to be
4 charged by the Clerk of the Supreme Court, in lieu of all prior fees, as
5 follows:

6 1. The fee for filing an application for permission to appeal or peti-
7 tion for certiorari shall be fifteen dollars. If an application for permis-
8 sion to appeal is granted, the applicant shall pay a docketing fee of
9 twenty-five dollars within forty days. If a petition for certiorari is
10 granted, the petitioner shall pay a docketing fee of twenty-five dollars
11 within ten days.

12 2. The fee for filing an original proceeding other than certiorari
13 shall be twenty-five dollars. No docketing fee shall be charged in such
14 cases.

15 3. The fee for docketing an appeal from a final judgment or decree
16 shall be twenty-five dollars.

17 4. The fee for providing copies of papers shall be forty cents for each
18 page, except that copies of opinions of the court shall be furnished to
19 the trial judge, counsel of record and to any unrepresented party in
20 the case without cost.

21 Respectfully submitted,
22 THE SUPREME COURT OF IOWA
23 s/ C. EDWIN MOORE
24 CHIEF JUSTICE

25 Des Moines, Iowa
26 January 15, 1975

ACKNOWLEDGMENT

27
28 I, Clark R. Rasmussen, Secretary of the Senate of the State of Iowa,
29 hereby acknowledge delivery to me on the 15th day of January, 1975
30 of the foregoing report of the Supreme Court of Iowa pertaining to Su-
31 preme Court fees.

32 s/ CLARK R. RASMUSSEN
33 Secretary of the Senate
34 1975 Regular Session of the
35 Sixty-sixth General Assembly
36 of the State of Iowa

ACKNOWLEDGMENT

37
38 I, David L. Wray, Chief Clerk of the House of Representatives of
39 the State of Iowa, hereby acknowledge delivery to me on this 15th day
40 of January, 1975 of the foregoing report of the Supreme Court of Iowa
41 pertaining to Supreme Court fees.

42 s/ DAVID L. WRAY
43 Chief Clerk of the
44 House of Representatives
45 1975 Regular Session of the
46 Sixty-sixth General Assembly
47 of the State of Iowa

*Section 685.3 of the Code of Iowa

CERTIFICATE

48
49 I, Arthur A. Neu, do hereby certify that I am the President of the
50 Senate of the 1975 Regular Session of the Sixty-sixth General Assem-
51 bly of the State of Iowa; and I, Clark R. Rasmussen, do hereby certify
52 that I am the Secretary of the Senate of the 1975 Regular Session of
53 the Sixty-sixth General Assembly of the State of Iowa; and we do
54 hereby jointly certify that as such President and Secretary that on the
55 fifteenth day of January, 1975, the Supreme Court of the State of
56 Iowa reported to said Senate, and filed with it, the attached communi-
57 cation from said Supreme Court to the Sixty-sixth General Assembly
58 of the State of Iowa relating to Supreme Court fees;

59 THAT the date of making said report to the 1975 Regular Session of
60 the Sixty-sixth General Assembly was within the twenty days subse-
61 quent to the convening of the 1975 Regular Session of the Sixty-sixth
62 General Assembly;

63 THAT no changes, modifications, amendments, revisions or addi-
64 tions to the Report of the Supreme Court in the Matter of Supreme
65 Court Fees were made or enacted at such 1975 Regular Session of said
66 Sixty-sixth General Assembly.

67 Signed this twentieth day of June, 1975, being the last legislative
68 day of the 1975 Regular Session of the Sixty-sixth General Assembly.

69 s/ ARTHUR A. NEU
70 President of the Senate

71 s/ CLARK R. RASMUSSEN
72 Secretary of the Senate
73 1975 Regular Session of the
74 Sixty-sixth General Assembly
75 of the State of Iowa

CERTIFICATE

76
77 I, Dale M. Cochran, do hereby certify that I am the Speaker of the
78 House of Representatives of the 1975 Regular Session of the Sixty-
79 sixth General Assembly of the State of Iowa; and I, David L. Wray,
80 do hereby certify that I am the Chief Clerk of the House of Represent-
81 atives of the 1975 Regular Session of the Sixty-sixth General Assembly
82 of the State of Iowa; and we do hereby jointly certify that as such
83 Speaker and Chief Clerk that on the fifteenth day of January, 1975,
84 the Supreme Court of the State of Iowa reported to said House of Rep-
85 resentatives, and filed with it, the attached communication from said
86 Supreme Court to the Sixty-sixth General Assembly of the State of
87 Iowa relating to Supreme Court fees;

88 THAT the date of making said report to the 1975 Regular Session of
89 the Sixty-sixth General Assembly was within the twenty days subse-
90 quent to the convening of the 1975 Regular Session of the Sixty-sixth
91 General Assembly;

92 THAT no changes, modifications, amendments, revisions or addi-
93 tions to the Report of the Supreme Court in the Matter of Supreme
94 Court Fees were made or enacted at such 1975 Regular Session of said
95 Sixty-sixth General Assembly.

96 Signed this twentieth day of June, 1975, being the last legislative
97 day of the 1975 Regular Session of the Sixty-sixth General Assembly.

98 s/ DALE M. COCHRAN
99 Speaker of the House

100 s/ DAVID L. WRAY
101 Chief Clerk of the
102 House of Representatives
103 1975 Regular Session of the
104 Sixty-sixth General Assembly
105 of the State of Iowa

SENATE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, HCR 65, page 599]

- SCR 1 Ralph R. Brown, special consultant, compensation and vacation. Adopted, S.J. 7, 8; Introduced, H.J. 17, 18.
- SCR 2 Additional joint employees for session, joint subcommittee appointed. Adopted, S.J. 46, 128; Adopted, H.J. 89, 90.
- SCR 3 Inauguration of Governor and Lieutenant Governor, joint committee to make arrangements. Adopted, S.J. 47, 61; Adopted, H.J. 37.
- SCR 4 Code of Iowa and Session Laws to legislature and staff and to certain members of the press. Adopted, S.J. 47, 61; Adopted, H.J. 37, 38.
- SCR 5 Bills and journals to county auditors. Adopted, S.J. 47, 48, 61; Adopted, H.J. 38, 39.
- SCR 6 Joint Rules of the Senate and House, Sixty-sixth General Assembly. Adopted, S.J. 48-54, 59, 123, 210, 211, 214, 215, 298, 553, 554, 616; Adopted, H.J. 177-183, 250, 252, 254-260, 287, 288, 594, 600, 2017.
[Senate and House conference committees failed to reach an agreement, S.J. 1825; H.J. 2272, 2273]
- SCR 7 Adjournment Thursday, January 16, 1975; reconvene Monday, January 20, 1975, 10:00 a.m.; also adjournment Friday, March 14, 1975, reconvene Monday, March 24, 1975, at 10:00 a.m. Adopted, S.J. 54, 61; Adopted, H.J. 39.
- SCR 8 Rev. Martin Luther King, Jr., memory honored. Introduced, S.J. 54.
- SCR 9 Northwest Iowa, designation as snowstorm disaster area. Introduced, S.J. 73, 74.
- SCR 10 City of Lisbon, congratulations on its one-hundredth anniversary of incorporation. Introduced, S.J. 151. [See HCR 2, HR 42]
- SCR 11 Proposed Highway 520, inclusion within next five-year plan. Introduced, S.J. 190, 191. [See HCR 16, HCR 38]
- SCR 12 Adj. Gen. Joseph G. May, Lt. Col. Eric P. Berner, the 186th Military Police Company, and the Iowa National Guard, commendation for excellent handling of inaugural ceremonies. Introduced, S.J. 216.
- SCR 13 Farmers and ranchers financial losses from disastrous snowstorm, and inability of American Beef Packers to meet obligation. Introduced, S.J. 235. [See HCR 10]
- SCR 14 National network of youth advisory boards, implementation of program by Congress urged. Introduced, S.J. 235, 236.
- SCR 15 National Black History Week, Feb. 9-14, 1975. Introduced, S.J. 267. [See HCR 13]
- SCR 16 Professional liability insurance, study to be conducted of availability, cost and terms. Introduced, S.J. 346.
- SCR 17 Uniform Probate Code, committee to study desirability of adopting. Introduced, S.J. 346, 347.
- SCR 18 Pioneer Lawmakers Association, program presentation at joint session, Thursday, April 10, 1975, 2:00 p.m. [Wayne A. Faupel, Code Editor, made honorary member] Adopted, S.J. 459, 476; Adopted, H.J. 441, 613.
- SCR 19 Aid to farmers and ranchers sustaining economic losses, proposals to U.S. Congress by National Conference of State Legislatures and Midwestern Conference of the Council of State Governments. Introduced, S.J. 497.
- SCR 20 Rock Island Railroad, urge U.S. Railway Assn. to reconsider denial of loan funds. Introduced, S.J. 540, 541, 610, 611; HCR 18 substituted for SCR 20, S.J. 680; SCR 20 withdrawn, S.J. 681. [See HCR 18]
- SCR 21 International Women's Day, March 8, 1975, recognition by General Assembly. Introduced, S.J. 592.
- SCR 22 World Youth Festival, Iowa bicentennial commission to organize and implement. Introduced, S.J. 592, 593. [See HCR 21]
- SCR 23 Civilian nuclear fission power plants, U.S. Congress to undertake comprehensive study and investigate. Introduced, S.J. 606, 607.
- SCR 24 Energy conservation, education of public to achieve zero energy growth rate. Adopted, S.J. 647, 898, 899, 901, 1332, 1333; Introduced, H.J. 1729, 1730.
- SCR 25 World's championship goose calling contest, congratulations to Missouri Valley for sponsoring. Introduced, S.J. 714. [See SR 9]
- SCR 26 Adjournment of Sixty-sixth General Assembly, May 1, 1975; reconvene Monday, January 12, 1976. Introduced, S.J. 756.
- SCR 27 Red Rock and Coralville Reservoirs, committee to study damages to property. Introduced, S.J. 796, 797.

RESOLUTIONS—Continued

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- SCR 28 Application by General Assembly to U.S. Congress to submit to states for ratification a proposed amendment to U.S. Constitution. Introduced, S.J. 962, 963.
- SCR 29 Fraternal Order of Eagles, observance by all citizens of "Our Town: We Like It Here" month. Introduced, S.J. 975.
- SCR 30 Public boards, councils and commissions, interim study committee to determine membership and qualifications and need for retaining. Introduced, S.J. 975, 976.
- SCR 31 American Revolutionary Bicentennial Commission, special observances encouraged and funds appropriated to support efforts. Introduced, S.J. 1007, 1008.
- SCR 32 Rail problems in Iowa, proposed state ownership and maintenance of road beds and trackage, committee to study. Introduced, S.J. 1008.
- SCR 33 New Alton, Illinois lock and dam, urge federal government not delay construction. Adopted, S.J. 1095, 1096, 1331, 1332; Introduced, H.J. 1730, 1731.
- SCR 34 Hazardous substances, regulation. Introduced, S.J. 1096, 1097. [See HCR 50]
- SCR 35 Mental health services, administration and need for consolidation. Introduced, S.J. 1143. [See HCR 42]
- SCR 36 State catastrophic illness program, expansion and completion of study. Introduced, S.J. 1144. [See HCR 40]
- SCR 37 State juvenile justice system, continuation of study. Introduced, S.J. 1144, 1145. [See SCR 68, HCR 41]
- SCR 38 Productive employment for welfare recipients, committee to study. Introduced, S.J. 1177.
- SCR 39 Petroleum marketing, pricing and distribution, study committee created. Introduced, S.J. 1310.
- SCR 40 Social services department, committee to study functions, duties and operation, also need for reorganization. Introduced, S.J. 1466, 1467.
- SCR 41 Civil defense and disaster assistance, major changes in federal laws affecting states, committee to study. Introduced, S.J. 1536.
- SCR 42 Air-conditioning lounges adjoining legislative chambers, legislative council to study, obtain bids and let contracts. Introduced, S.J. 1613.
- SCR 43 Oil and gas, regulation of storage and transportation facilities, interim study. Introduced, S.J. 1753, 1754.
- SCR 44 Revaluation of all property in state, resulting in increased property values, need to freeze property taxes, committee to study. Introduced, S.J. 1791. [See HCR 83]
- SCR 45 Insurance policies, discriminatory practices based on a person's sex or marital status, committee to study. Introduced, S.J. 1791, 1792.
- SCR 46 Multistate Tax Commission, state participation as an associate member approved by General Assembly. Introduced, S.J. 1837.
- SCR 47 Grading and moisture testing of grain, study committee to consider possible changes in grain-grading procedures. Introduced, S.J. 1837, 1838. [See HCR 59]
- SCR 48 Nonrefillable beverage containers, committee to study energy-related impacts as relating to waste disposal problems. Introduced, S.J. 1883. [See HCR 61]
- SCR 49 Optometrists, potential shortage, study committee to determine feasibility of state college of optometry. Introduced, S.J. 1883, 1884. [See HCR 67]
- SCR 50 Drainage and levy districts affecting grain production, study committee to update and correct present law. Introduced, S.J. 1932, 1933. [See HCR 57]
- SCR 51 Land use bill, H.F. 505, legislatively sponsored public forum proposed. Introduced, S.J. 1933, 1934. [See HCR 62]
- SCR 52 County home rule and services, study committee to determine need for review of state statutes. Introduced, S.J. 2001. [See HCR 70]
- SCR 53 Special assessments by cities for streets and sewers, committee to study. Introduced, S.J. 2074, 2075.
- SCR 54 Length of legislative sessions and handling of legislative bills, committee to study ways of improving procedure. Introduced, S.J. 2075, 2076. [See HCR 55]
- SCR 55 Family farming, difficulty in obtaining needed capital, bipartisan interim study committee appointed. Introduced, S.J. 2076. [See HCR 66]
- SCR 56 Property improvements, committee to study feasibility of providing tax moratorium. Introduced, S.J. 2077.
- SCR 57 Legislative internships, establishment of joint committee to organize and supervise program. Introduced, S.J. 2077, 2078.
- SCR 58 Final adjournment of the 1975 Regular Session of the Sixty-sixth General Assembly, Saturday, June 14, 1975. Introduced, S.J. 2078.
- SCR 59 Expenses of legislative committee members attending authorized meetings between legislative sessions. Introduced, S.J. 2078, 2079.

RESOLUTIONS—Continued

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- SCR 60 Claims, action of joint claims committee approved by Senate and House. Adopted, S.J. 2079-2085, 2096; Adopted, H.J. 2614-2621, 2650.
- SCR 61 Elderly and physically handicapped persons, committee to assess problems. Introduced, S.J. 2184, 2185, 2186.
- SCR 62 Nursing home costs and reimbursement for care of medical assistance patients, determination of overpayments or other abuses. Introduced, S.J. 2204, 2205.
- SCR 63 Salary increase for officers and employees of the House and Senate. Adopted, S.J. 2222, 2224, 2225; Adopted, H.J. 2698, 2745-2748.
- SCR 64 Inspection laws, overlapping in code requirements and overlapping of various inspection agencies, committees to study ways to consolidate or eliminate. Introduced, S.J. 2222.
- SCR 65 Municipal financing, interim study committee to explore the problem to allow cities in state fiscal flexibility. Introduced, S.J. 2223. [See HCR 71]
- SCR 66 Senate File 536 Correction. Adopted, S.J. 2223, 2224, 2225; Adopted, H.J. 2726, 2727.
- SCR 67 ADC program, Human Resources committees to appoint joint interim subcommittee to determine if program may be restructured. Introduced, S.J. 2228, 2229.
- SCR 68 Youth services, juvenile justice system, establishment of separate department, joint interim subcommittee to study. Introduced, S.J. 2229, 2230. [See SCR 37]

HOUSE CONCURRENT RESOLUTIONS

[Priorities determined by Legislative Council, HCR 65, page 599]

- HCR 1 Governor Ray's message, joint convention, January 13, 1975. Adopted, H.J. 12; Adopted, S.J. 9.
- HCR 2 City of Lisbon, congratulations on its one hundredth anniversary. Adopted, H.J. 75, 88, 89; Introduced, S.J. 142, 143. [See HR42, SCR 10]
- HCR 3 Governor Ray's budget message, joint convention, January 24, 1975. Adopted, H.J. 94, 96; Adopted, S.J. 154, 155, 162.
- HCR 4 Joint rules of House and Senate, as adopted by 1974 session of Sixty-fifth General Assembly, adoption as temporary joint rules of 1975 session. Introduced, H.J. 96, 97, 105; Introduced, S.J. 162, 163.
- HCR 5 Compensation of chaplains, officers and employees of the Sixty-sixth General Assembly. Adopted, H.J. 97-103, 106, 107; Adopted, S.J. 163-171.
- HCR 6 American Beef Packers, Inc., Omaha, bankruptcy petition, Iowa's Congressional delegation to investigate. Adopted, H.J. 135, 147, 378, 379; Adopted, S.J. 208, 284, 307, 308.
- HCR 7 Livestock and poultry producers, losses sustained in blizzard, federal assistance urged. Adopted, H.J. 135, 136, 147, 378, 379; Adopted, S.J. 209, 308, 309.
- HCR 8 Adjournment procedure. Introduced, H.J. 158, 159.
- HCR 9 Abraham Lincoln's birthday observance, joint convention, address by Hon. William B. Griffiee. Adopted, H.J. 184; Adopted, S.J. 238.
- HCR 10 Farmers and ranchers economic losses from disastrous snowstorm, and inability of American Beef Packers to meet obligation. Adopted, H.J. 187, 220; Adopted, S.J. 260, 575. [See SCR 13]
- HCR 11 Iowa State University, commendation for initiative in accepting challenge of world food problems. Adopted, H.J. 188, 220; Adopted, S.J. 260, 261, 561.
- HCR 12 Coralville Reservoir, restocking game fish, copy of resolution to U.S. Corps of Engineers. Adopted, H.J. 230, 231, 421, 422; Adopted, S.J. 458, 683, 684.
- HCR 13 National Black History Week observance, Feb. 9 through 14. Adopted, H.J. 249, 254. [See SCR 15]
- HCR 14 National health insurance program, urge Congress to establish. Introduced, H.J. 293.
- HCR 15 Public instruction department study to evaluate the average state program costs per student. Adopted, H.J. 293, 294, 327, 453, 454; Adopted, S.J. 337, 338, 469, 496.
- HCR 16 Proposed Highway 520, inclusion within next five-year plan. Introduced, H.J. 294, 295. [See HCR 38, SCR 11]
- HCR 17 Family court system, feasibility of establishment, study committee created. Introduced, H.J. 480.
- HCR 18 Rock Island Railroad, urge U.S. Railway Assn. to reconsider denial of loan funds. Adopted, H.J. 480, 481, 495, 496, 749, 801, 963, 964; Adopted, S.J. 541, 542, 613, 680, 681, 913, 997; Substituted for SCR 20, S.J. 680. [See SCR 20]
- HCR 19 City of Polk City, congratulations on its one-hundredth anniversary of incorporation. Introduced, H.J. 504.
- HCR 20 Retirement benefits transfer from one state to another, committee appointed for developing program and model legislation. Introduced, H.J. 530.
- HCR 21 World Youth Festival, organization and implementation in conjunction with 1976 bicentennial year celebration. Introduced, H.J. 531, 671. [See SCR 22]
- HCR 22 State adult penal and correctional system, interim committee to investigate existing problems and report findings. Introduced, H.J. 531, 532.
- HCR 23 International Women's Year in Iowa. Adopted, H.J. 598, 599, 807; Introduced, S.J. 794, 795.
- HCR 24 Joint memorial service, recognition of public services of departed members of the General Assembly. Adopted, H.J. 663, 824; Adopted, S.J. 795, 798.
- HCR 25 State juvenile system, interim study committee appointed to further investigate problems. Introduced, H.J. 696, 697.
- HCR 26 Bridges, inspection and replacement, Congress urged to appropriate funds. Adopted, H.J. 697, 824; Introduced, S.J. 795, 796.
- HCR 27 Legislators sponsoring or co-sponsoring resolutions not be appointed to serve on study committees. Introduced, H.J. 724.
- HCR 28 Good Friday observance, adjournment March 27 until March 30, 1975, at 10:00 a.m. Adopted, H.J. 742; Adopted, S.J. 710, 711.

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- HCR 29 Sisters of Mercy, Cedar Rapids, congratulations upon one-hundredth anniversary. Introduced, H.J. 724.
- HCR 30 Ladybug, designation as state insect. Introduced, H.J. 843, 844.
- HCR 31 Objections by Iowa Legislature to USDA calling for greater productivity from Iowa land while cutting conservation funds. Introduced, H.J. 910, 911.
- HCR 32 Unions representing public employees, petition U.S. Congress to refrain from approving any measure. Introduced, H.J. 961, 962.
- HCR 33 Community correction facilities, location, consult residents of neighborhoods. Introduced, H.J. 911.
- HCR 34 Environmental education program, creation within the department of public instruction. Adopted, H.J. 996, 997, 1136; Adopted, S.J. 1039, 1040, 1968, 1969.
- HCR 35 Dogs, proper care and regulation, study committee created. Introduced, H.J. 1048, 1049; Introduced, S.J. 1143.
- HCR 36 Rail transportation services in state, study committee created. Introduced, H.J. 1125, 1126.
- HCR 37 Meat and meat products, retailer payment. Introduced, H.J. 1156, 1157.
- HCR 38 Proposed Highway 520, U.S. Congress urged to continue adequate funding of "Priority Primary" highway programs. Adopted, H.J. 1191, 1404; Introduced, S.J. 1154, 1155. [See HCR 16, SCR 11]
- HCR 39 Proposed amendment to U.S. Constitution prohibiting usurpation of state powers by Congress. Adopted, H.J. 1191, 1192, 1739, 1740; Introduced, S.J. 1467, 1468.
- HCR 40 State catastrophic illness program, expansion and completion of study. Introduced, H.J. 1227. [See SCR 36]
- HCR 41 State juvenile justice system, continuation of study. Introduced, H.J. 1227, 1228. [See SCR 37]
- HCR 42 Mental health services, possible restructure and consolidation. Introduced, H.J. 1228, 1229. [See SCR 35]
- HCR 43 City of Keokuk, closing highway for local celebration. Introduced, H.J. 1304, 1305.
- HCR 44 Unified trial court program, interim study committee to determine costs. Introduced, H.J. 1484.
- HCR 45 Crime rise, national and local, study committee created. Introduced, H.J. 1484, 1485.
- HCR 46 Emergency medical technicians, discontinuance of five emergency runs for basic training course. Introduced, H.J. 1485.
- HCR 47 Substate districts, interim study committee to define and clarify relationship with state departments. Introduced, H.J. 1485, 1486.
- HCR 48 Vehicle registration fee structure, study committee created to determine need for revision of fee schedule. Introduced, H.J. 1615.
- HCR 49 Local property taxes, increases, interim committee created to conduct study and report findings. Introduced, H.J. 1653, 1654.
- HCR 50 Hazardous substances, regulation, study committee created. Introduced, H.J. 1696, 1697. [See SCR 34]
- HCR 51 Contested elections, interim study committee created. Introduced, H.J. 1810, 1811.
- HCR 52 Petroleum products, marketing, distribution, pricing, study committee created. Introduced, H.J. 1914, 1915.
- HCR 53 Snowmobile accidents, committee to study. Introduced, H.J. 2011.
- HCR 54 Local property taxes, sharp increases, interim committee to study. Introduced, H.J. 2042, 2043.
- HCR 55 Length of legislative sessions and handling of legislative bills, committee to study ways of improving procedure. Introduced, H.J. 2132. [See SCR 54]
- HCR 56 Fifty-five miles per hour speed limit, enforcement, committee to study. Introduced, H.J. 2131, 2132.
- HCR 57 Drainage and levy districts affecting grain production, study committee to update and correct present law. Introduced, H.J. 2235. [See SCR 50]
- HCR 58 Final adjournment of the 1975 Regular Session of the Sixty-sixth General Assembly, 5:00 p.m., Friday, June 13, 1975. Introduced, H.J. 2235.
- HCR 59 Grading and moisture testing of grain, committee to consider possible changes in grain-grading procedures. Introduced, H.J. 2235, 2236. [See SCR 47]
- HCR 60 Financial institutions, consolidation, committee to study. Introduced, H.J. 2283, 2284.
- HCR 61 Nonrefillable beverage containers, committee to study energy-related impacts as relating to waste disposal problems. Introduced, H.J. 2284, 2285. [See SCR 48]

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- HCR 62 Land use bill, H.F. 505, legislatively sponsored public forum proposed. Introduced, H.J. 2321, 2322. [See SCR 51]
- HCR 63 Electronic funds transfer systems, committee to make detailed study. Introduced, H.J. 2322, 2323.
- HCR 64 Pari-mutuel betting as affecting citizens and economy, committee to make detailed study. Introduced, H.J. 2517.
- HCR 65 Legislative Council to determine priorities of study committees not approved. Adopted, H.J. 2497, 2498, 2727; Adopted, S.J. 2241, 2242, 2250.
- HCR 66 Family farming, difficulty in obtaining needed capital, committee to study. Introduced, H.J. 2498, 2499. [See SCR 55]
- HCR 67 Optometrists, potential shortage, study committee to determine feasibility of state college of optometry. Introduced, H.J. 2499, 2500. [See SCR 49]
- HCR 68 Policy determination incident to adjournment of the 1975 session of the Sixty-sixth General Assembly, compensation for services during interim. Adopted, H.J. 2500, 2501, 2727; Introduced, S.J. 2242, 2243.
- HCR 69 Final adjournment, Sixty-sixth General Assembly, Thursday, June 19, 1975. Adopted, H.J. 2612, 2749, 2750; Adopted, S.J. 2243, 2257.
- HCR 70 County home rule and services, study committee to determine need for review of state statutes relating to operation of county government. Introduced, H.J. 2501. [See SCR 52]
- HCR 71 Municipal financing, interim study committee to explore the problem to allow cities in state fiscal flexibility. Introduced, H.J. 2501, 2502. [See SCR 65]
- HCR 72 State architect to replace state departmental architects. Introduced, H.J. 2502.
- HCR 73 State department of transportation comprehensive policy, adoption by General Assembly, study committee to review and submit findings. Adopted, H.J. 2503, 2504, 2576, 2667, 2668; Adopted, S.J. 2180, 2181, 2182, 2207.
- HCR 74 Tuition payments by state for public school districts for nonresident students, interim study authorized. Introduced, H.J. 2504, 2505.
- HCR 75 Statewide legal services for indigent and low-income persons, committee to study. Introduced, H.J. 2569, 2570.
- HCR 76 Pension and retirement needs of peace and corrections officers, interim study committee authorized. Introduced, H.J. 2570.
- HCR 77 State agency plans for disasters, planning and coordination of emergency services, committee to study. Introduced, H.J. 2571.
- HCR 78 Joint rules and procedures for adoption by General Assembly, joint bipartisan interim committee to study. Introduced, H.J. 2613.
- HCR 79 Campaign disclosure law, interim study committee to ascertain feasibility of income tax checkoff. Introduced, H.J. 2613.
- HCR 80 Employment security commission, funding structure, study committee to review and report. Introduced, H.J. 2614.
- HCR 81 Livestock marketing, interim committee created to study problems. Introduced, H.J. 2731.
- HCR 82 Bovine and swine brucellosis, eradication, committee to study economic and health aspects and report findings. Introduced, H.J. 2731, 2732.
- HCR 83 Revaluation of all property in state, increased property values resulting, need for stabilization of property taxes, committee to study. Introduced, H.J. 2732, 2733. [See SCR 44]
- HCR 84 State and federal equal opportunity laws, women and members of minority groups, committee to review compliance by public employers. Introduced, H.J. 2752.
- HCR 85 Transportation funding, study committee created to ascertain need for developing new formula for allocating and increasing funds. Introduced, H.J. 2752, 2753.
- HCR 86 Public mass transit, federal fund allocation to state, appointment of committee to study problem. Introduced, H.J. 2753.

SENATE RESOLUTIONS

- SR 1 Ralph R. Brown, employment as special consultant. Adopted, S.J. 7.
- SR 2 Appointment of secretaries. Adopted, S.J. 22, 61.
- SR 3 Permanent rules of the Senate. Adopted, S.J. 22-39, 56, 57, 58, 88-90, 100-114.
- SR 4 Ralph R. Brown, extending appreciation for his contribution to the Senate. Adopted, S.J. 8.
- SR 5 Senate Code of Ethics. Adopted, S.J. 39-41, 147, 148.
- SR 6 Lobbyists, Senate rules governing. Adopted, S.J. 41-46, 144, 148, 149, 150, 151, 152, 153, 155-159.
- SR 7 Iowa Congressional delegation, meeting with Iowa legislature, Friday, February 14, 1975. Introduced, S.J. 291, 485, 563, 564, 565, 566.
- SR 8 St. Alberts High School, Council Bluffs, congratulations upon winning the Iowa Class AA high school basketball championship. Introduced, S.J. 782, 783. [See HR 19]
- SR 9 Missouri Valley, compliments to sponsors of the twenty-first annual world's championship goose calling contest. Introduced, S.J. 797. [See SCR 25]
- SR 10 "The Golden Dome" booklet, revision and additional printing. Adopted, S.J. 1178, 1186.
- SR 11 Senate public address system, malfunction, Secretary of Senate to review conditions. Introduced, S.J. 1466.
- SR 12 City of Ossian, congratulations upon its one hundred and twenty-fifth anniversary. Introduced, S.J. 1703, 1704. [See HR 17]
- SR 13 City of Calmar, congratulations upon its one hundred and twenty-fifth anniversary. Introduced, S.J. 1704. [See HR 9]
- SR 14 City of Sheffield, congratulations upon its centennial anniversary of incorporation. Introduced, S.J. 1858. [See HR 23]
- SR 15 Larry Graham, music professor at Morningside College, Sioux City, congratulations for outstanding success in musical accomplishments. Adopted, S.J. 2074, 2256, 2257. [See HR 47]
- SR 16 Volga River Frog Hollow, dam and lake project, disbursement of appropriated funds if project canceled. Introduced, S.J. 2224.

HOUSE RESOLUTIONS

- HR 1 Opening sessions with prayer, committee appointed to arrange with ministers of the state. Adopted, H.J. 13, 14.
- HR 2 Appointment of clerks, secretaries and pages. Adopted, H.J. 14.
- HR 3 William H. Harbor, expression of gratitude for distinguished service as chief clerk. Adopted, H.J. 14, 15.
- HR 4 City of Anita, congratulations in commemoration of the centennial anniversary of its incorporation. Adopted, H.J. 140, 141, 421.
- HR 5 City of Marne, congratulations in commemoration of the centennial anniversary of its incorporation. Adopted, H.J. 141, 421.
- HR 6 House Information Office, expenditures to be kept to \$1,500 per month. Introduced, H.J. 194.
- HR 7 Steve Carney, Sioux City, best wishes for a speedy recovery. Introduced, H.J. 341.
- HR 8 Williams Junior High School, Davenport, congratulations to students for their excellence in school athletics. Introduced, H.J. 430.
- HR 9 City of Calmar, congratulations in commemoration of the one hundred twenty-fifth anniversary of its incorporation. Introduced, H.J. 461. [See SR 13]
- HR 10 Emmetsburg, congratulations in commemoration of its fifteenth year of observance of St. Patrick's Day. Adopted, H.J. 504, 665.
- HR 11 City of Bussey, congratulations upon its one hundredth anniversary of incorporation. Adopted, H.J. 599, 749.
- HR 12 City of Tracy, congratulations upon its one hundredth anniversary of incorporation. Adopted, H.J. 599, 600, 750.
- HR 13 Drake University basketball team, congratulations for bringing honor and victory to their school and state. Adopted, H.J. 706, 808.
- HR 14 Lincoln High School, Des Moines, congratulations for winning state Class AAA high school basketball championship. Adopted, H.J. 725, 825.
- HR 15 City of Minden, congratulations in commemoration of the centennial anniversary of its platting. Introduced, H.J. 750.
- HR 16 City of Lynnville, congratulations in commemoration of the one hundredth anniversary of its incorporation. Adopted, H.J. 750, 2382.
- HR 17 City of Ossian, congratulations in commemoration of the one hundred twenty-fifth anniversary of its incorporation. Introduced, H.J. 750, 751. [See SR 12]
- HR 18 House Pages, appreciation extended for a job well done during the first fifty-three legislative days. Adopted, H.J. 807.
- HR 19 St. Alberts High School, Council Bluffs, congratulations on winning the Iowa Class AA high school basketball championship. Adopted, H.J. 812, 1135. [See SR 8]
- HR 20 W. W. Molsberry, Sigourney, retirement July 1, 1975, recognition for having the longest public school teaching record in state. Adopted, H.J. 911, 912, 1225.
- HR 21 St. Mary's Irish, Clinton, congratulations for winning the Iowa Class A high school basketball championship. Adopted, H.J. 962, 1135.
- HR 22 Robert's Rules of Order, centennial year observance, urge U.S. Postmaster General issue commemorative stamp. Adopted, H.J. 997, 998, 1179.
- HR 23 City of Sheffield, congratulations in commemoration of the one hundredth anniversary of its incorporation. Adopted, H.J. 1038, 1199. [See SR 14]
- HR 24 City of Palmer, congratulations on Diamond Jubilee celebration of its incorporation. Adopted, H.J. 1157, 1158, 2671.
- HR 25 City of Gifford, congratulations in commemoration of the one hundredth anniversary of its incorporation. Adopted, H.J. 1377, 1654.
- HR 26 City of Nora Springs, congratulations on the one hundredth anniversary of its founding. Introduced, H.J. 1486, 1487.
- HR 27 Future Farmers of America, Colo, congratulations for the success of project, "Colo Pride." Adopted, H.J. 1514, 1515, 2729.
- HR 28 Interim study committees, each member of House appointed to one before second appointment. Introduced, H.J. 1534.
- HR 29 City of Cincinnati, congratulations in commemoration of the centennial anniversary of its incorporation. Adopted, H.J. 1534, 1535, 1831.
- HR 30 Vietnamese refugees, U.S. Congress urged to take necessary steps to assist. Introduced, H.J. 1566, 1567.
- HR 31 City of Edgewood, congratulations on being named an official bicentennial community. Adopted, H.J. 1567, 1831.

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- HR 32 City of Ankeny, congratulations on the one hundredth anniversary of its founding. Adopted, H.J. 1615, 1616, 1831.
- HR 33 City of Royal, congratulations on the seventy-fifth anniversary of its founding. Adopted, H.J. 1616, 1831.
- HR 34 "How A Bill Becomes A Law" booklet, chief clerk authorized to print fourteenth edition. Adopted, H.J. 1666, 2163, 2164.
- HR 35 City of Clutier, congratulations on the seventy-fifth anniversary of its founding. Introduced, H.J. 1726.
- HR 36 City of Mechanicsville, congratulations on the one hundred and twenty-fifth anniversary of its founding. Introduced, H.J. 1726, 1727.
- HR 37 State Election laws and new enactments, thorough acquaintance by commissioners of elections to preclude necessity of disfranchising any qualified elector. Introduced, H.J. 1809, 1810.
- HR 38 City of Lytton, congratulations on the seventy-fifth anniversary of its founding. Adopted, H.J. 1829, 2441.
- HR 39 City of Rake, congratulations on the seventy-fifth anniversary of its founding. Adopted, H.J. 1898, 2164.
- HR 40 Lien for payment protection to sellers of livestock for slaughter, committee to conduct study. Introduced, H.J. 1915.
- HR 41 Woodbine Tigerettes, congratulations for winning the state track meet for the third consecutive year. Adopted, H.J. 1915, 1916, 2120.
- HR 42 City of Lisbon, congratulations on the centennial anniversary of its incorporation. Adopted, H.J. 1939, 2164. [See HCR 2, SCR 10]
- HR 43 Davenport Municipal Art Gallery, expression of congratulations during its golden anniversary. Adopted, H.J. 2066, 2067, 2729.
- HR 44 Expression of sympathy to Representative and Mrs. Elmer H. Den Herder in the loss of their son, Roger. Introduced, H.J. 2323.
- HR 45 Lake View Hawkettes High School basketball team, congratulations upon being ranked second in the nation and winning the championship in the state. Adopted, H.J. 2505, 2729.
- HR 46 Radiation safety, lack of co-ordination among state agencies, standing subcommittee to study effects on environment and health. Adopted, H.J. 2505, 2506, 2667.
- HR 47 Larry Graham, music professor at Morningside College, Sioux City, congratulations for outstanding success in musical accomplishments. Introduced, H.J. 2506, 2507. [See SR 15]
- HR 48 City of Lime Springs, congratulations on its designation as American Revolution Bicentennial city. Adopted, H.J. 2579, 2580, 2729.
- HR 49 City of Hawarden, congratulations on being the starting point for the Des Moines Register's Great Bike Ride Across Iowa on August 3, 1975. Adopted, H.J. 2614, 2729.

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