

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

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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 enve-
 15 lope 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