

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 3 (14), is repealed.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".